



**U. S. DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
Elko Field Office

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**July 2004**

# Elko Field Office NEPA Guidebook

*This Guidebook supplements instructions for compliance with  
the National Environment Policy Act (NEPA),  
as provided by BLM Handbook H-1790-1.*

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## ELKO FIELD OFFICE STEPS TO NEPA COMPLIANCE

### I. Screening

> Use **Proposal Screening Worksheet** (*Appendix 1*)

Step 1 – Define the Proposal/Describe the Proposed Action

Step 2 – Document Land Use Plan (LUP) Conformance

Step 3 – Determine Appropriate Level of NEPA Documentation

- If **CX**, go to section II (and attach **CX Review** form, *Appendix 2a1*)
- If **DNA**, go to section III (and attach **DNA Worksheet**, *Appendix 3*)
- If an **EA**, go to section IV (and attach **EA Scoping Record**, *Appendix 4a*)

Step 4 – Obtain Manager Direction (schedule, budget, staff and public involvement)

Step 5 – Create the Project File

### II. Using Categorical Exclusions (CX)

> Use **CX Review and Approval** (*Appendix 2a1*)

Steps 1 & 2 – See Steps I.1 and I.2

Step 3 – Cite the Applicable Category (*see Appendix 2a2*)

Step 4 – Conduct the CX Review

Step 5 – Document the Decision

Step 6 -- Obtain Manager Approval

Step 7 – Complete the Administrative Record

### III. Using Existing Environmental Analyses

Steps 1 & 2 – See Steps I.1 and I.2

Step 3 – Review Existing EAs and EISs

Step 4 – Document NEPA Adequacy (Prepare a DNA if all NEPA adequacy criteria met)

> Use **DNA Worksheet** (*Appendix 3*)

Step 5 – Document the Decision

Step 6 – Complete the Administrative Record

Step 7 – Provide Public Notice

### IV. Preparing Environmental Assessments

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Step 2 – Document LUP Conformance (review/revise statement from step I.2)

Step 3 – Determine the Scope of the EA

> Use **EA Scoping Record** (*Appendix 4a*)

Step 4 – Conduct the Assessment and Prepare the EA; FONSI and DR

> See **EA Template and FONSI/DR examples** (*Appendices 4c1, 4c2 and 4c3*)

Step 5 – Conduct Internal and External (if any) Reviews

> Use **EA Review and Approval Record** (*Appendix 4b*)

Step 6 – Obtain Manager Approval (sign FONSI and DR)

Step 7 – Complete the Administrative Record

Step 8 – Provide Public Notice

## Implement and Monitor the Decision

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## **INTRODUCTION**

The National Environmental Policy Act of 1969 (NEPA)-declares a national policy which will encourage productive and enjoyable harmony between man and his environment. Section 102(2) directs the Bureau of Land Management (BLM), as a Federal agency, to use a systematic, interdisciplinary approach in planning and decision-making. Federal agencies are responsible for reviewing actions proposed on, or affecting, public lands or resources. The Council on Environmental Quality (CEQ) *Regulations for Implementing the Procedural Provisions of NEPA* is found at 40 CFR Parts 1500-1508. As noted by the references list (Appendix 5 to this Guidebook), the regulations are available from [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm).

NEPA is triggered by a proposal for federal action. As defined by CEQ, "Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies" [40 CFR 1508.18(1)(a)]. "Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities" [40 CFR 1508.18(4)].

The purpose of this Guidebook is to provide instructions specific to the Elko Field Office for complying with NEPA. It is formatted to follow the BLM NEPA Handbook (H-1790-1). In the event of conflicting or updated guidance, direction provided by the CEQ regulations, the Department of the Interior NEPA Manual (516 DM 1-7), memorandums issued by the Office of Environmental Policy and Guidance, the BLM NEPA Handbook and pertinent instruction memorandums issued by the BLM Washington Office or Nevada State Office take precedence over these local procedures. This Guidebook is subject to future revision as necessary.

### ***How To Use This Guidebook***

The frontispiece to this Guidebook summarizes the Elko Field Office "**Steps to NEPA Compliance.**" This Guidebook is organized to follow these steps. The process begins with screening a proposal (Chapter I), to include determining the appropriate level of NEPA compliance documentation. Subsequent chapters depend on the appropriate level that is determined. Within these chapters, all procedures are broken down to Step 1, Step 2, etc. Regardless of the level of NEPA compliance, the process ends with issuing a decision for implementation of a proposed action. The decision should refer to the consideration of environmental impacts.

To support a decision, local procedures in this Guidebook focus on documenting review of a categorical exclusion (CX, Chapter II), documenting NEPA adequacy when an action is fully covered by an existing analysis (DNA, Chapter III), and preparing an environmental assessment (EA, Chapter IV).

- The action must be in conformance with the approved resource management plans (RMPs) and amendments that cover the Elko and Wells planning areas.
- No significant impacts should be anticipated.

*If significant impacts are anticipated*, an environmental impact statement (EIS) must be prepared. Follow instructions from the BLM NEPA Handbook (H-1790-1), in conjunction with program-specific direction.

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## **INTRODUCTION**

All worksheets, templates, and forms listed by the **Elko Field Office Steps to NEPA Compliance** and discussed by the applicable chapter are found at the end of this Guidebook as appendices. The Guidebook and appendices are available for use by Elko Field Office employees in the NEPA folder on our local network (s:\public\nepa\).

This Guidebook is also available to the public on the Elko Field Office web page at <http://www.nv.blm.gov/elko/nepa.htm>, and to BLM employees from our internal website at <http://web.nv.blm.gov/elko/nepa.htm>.

### ***Abbreviations Used***

The following abbreviations and acronyms are frequently used throughout this Guidebook.

BLM – Bureau of Land Management  
CEQ – Council on Environmental Quality  
CFR – Code of Federal Regulations  
CX – Categorical Exclusion  
DNA – Documentation of Land Use Plan Conformance and NEPA Adequacy  
DM – Departmental Manual (Department of the Interior)  
DOI – Department of the Interior  
DR – Decision Record  
EA – Environmental Assessment  
EIS – Environmental Impact Statement (may be Draft or Final)  
FLPMA – Federal Land Policy and Management Act of 1976  
FONSI – Finding of No Significant Impact  
H-1790-1 – BLM NEPA Handbook  
ID team – Interdisciplinary team  
IM – Instruction Memorandum  
LUP – Land Use Plan  
MUD – Multiple Use Decision (may be Proposed or Final)  
NEPA – National Environmental Policy Act of 1969, as amended  
NOI – Notice of Intent (to prepare an EIS)  
P&EC – Planning and Environmental Coordinator  
ROD – Record of Decision  
RMP – Resource Management Plan  
SOP – Standard Operating Procedure

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## **Chapter I -- SCREENING FOR NEPA COMPLIANCE**

### **A. General**

The NEPA process is triggered by the existence of a “proposal” for Federal action. As defined by CEQ regulations, *a proposal exists at that stage in the development of an action when an agency subject to NEPA has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated* (40 CFR 1508.23). All proposed actions on or affecting public lands or resources under BLM jurisdiction must be reviewed for NEPA compliance.

A proposal for action may originate internally (BLM proposal) or externally (by an applicant or proponent). In either case, a “project lead” should be assigned as the primary contact for further consideration of the proposal by the decision-maker and public, up to and including interdisciplinary preparation of the appropriate level of NEPA documentation.

A flow chart of the BLM screening process is included as Illustration I in BLM’s NEPA Handbook (H-1790-1). Screening is a critical initial step in determining the appropriate level of documentation required to comply with NEPA. It determines if an action:

- is exempt from NEPA;
- is categorically excluded (**CX**, Chapter II of H-1790-1 and this Guidebook);
- is adequately covered by an existing NEPA analysis document (**DNA**; section III.B);
- requires preparation of an environmental assessment (**EA**, Chapter IV); or
- requires completion of an environmental impact statement (**EIS**, Chapter V of H-1790-1).

At the Elko Field Office, screening is also used to obtain direction from the responsible manager for additional data or surveys, public involvement, scheduling and budgeting needs. This direction should be followed in preparation of the appropriate NEPA document, issuance of a decision to meet program-specific requirements, and timely implementation of the action.

### **B. Screening Procedures (Five Steps)**

Appendix 1 is a “**Proposal Screening Worksheet**.” It has been designed for use in documenting direction obtained by completion of the screening process at the Elko Field Office. A project lead is responsible for completing the following steps in submitting this worksheet, with attachments as appropriate, to the Elko Field Office management team for approval.

#### **Step 1 -- Define the Proposal/Describe the Proposed Action**

*If you believe a proposal is feasible, briefly* define it to establish the need and BLM’s authority for the action. Describe the proposed action in sufficient detail to determine appropriate level of NEPA review and documentation, as discussed further in the next steps.

- In addition to clearly establishing the goal to be accomplished (*why action is needed*), identify **who** is proposing to do **what**, **where**, and **when**.
- For applicant-driven proposals, the need is defined by an applicant. The Federal action(s) (and authority) should be clearly identified.

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## **Chapter I -- SCREENING FOR NEPA COMPLIANCE**

- **Map(s)** must accompany the description. If further planning is anticipated, a map may be *preliminary*. Show the general location of the action within lands administered by the Elko Field Office (vicinity map), and areas that are likely to be affected (project map).

The definition of a proposal should be brief enough to fit in the space provided on the one-page worksheet. A more detailed description may be attached for use in further planning and/or implementation. Once the worksheet is approved, information provided by it may be provided to the public. As discussed in Step 4 below, this initially includes publication of the basic information in the Elko Field Office *Project and Planning Schedule*. For example:

**Title:** Rim Pasture Water Catchments

**Type of Action:** Range Improvement (water development)

**Location:** Little Humboldt Allotment

T. 39 N., R. 45 E., section 24

T. 39 N., R. 46 E., section 19

**Description:** Up to three small reservoirs would be constructed to collect spring snowmelt and provide livestock water in the Rim Pasture. The pasture currently has one water source and livestock are not utilizing the pasture efficiently due to the distance between water and forage. Providing additional water sources would distribute livestock to areas that currently receive little to no use.

A more detailed description of the proposed action that may be attached to the worksheet should reference any applicable environmental design requirements that you are aware of. For an EA, the proposed action will likely be further defined to provide specific information pertinent to environmental considerations, and any alternative means of accomplishing the goal.

- If a detailed project description is attached, clearly mark it as “Preliminary, as of {date}.”

### **Step 2 -- Document Land Use Plan Conformance**

The Federal Land Policy and Management Act (FLPMA) of 1976 requires that all discretionary actions be in conformance with a BLM approved land use plan. BLM includes a land use plan conformance statement within all NEPA review documents (CX, DNA, EA or EIS) for any action, except for revision or amendment of an existing plan. The document to authorize a proposed action or selected alternative should further reference such conformance, within the ‘rationale’ for BLM’s decision.

The Elko and Wells Resource Management Plans (RMPs) guide management of public lands administered by the Elko Field Office. EISs were prepared for each RMP and, as such, a Record of Decision (ROD) documents approval of the plan. EA-level amendments to these RMPs have also been prepared, which resulted in a Finding of No Significant Impact (FONSI). Approval of an EA-level RMP Amendment includes a Decision Record (DR).

*It is an approved RMP or RMP Amendment, and associated decision document (ROD or DR), that is referenced in a land use plan conformance statement.* The EIS that accompanies a proposed RMP, or EIS or EA for a proposed amendment, only provides an analysis of the proposed planning action; it doesn’t authorize it. The two RMPs and associated amendments that have been approved for the Elko Field Office are:

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## **Chapter I -- SCREENING FOR NEPA COMPLIANCE**

- **Wells Resource Management Plan**; approved July 16, 1985
  - Wells RMP **Elk Amendment**, approved February 14, 1993
  - Wells RMP **Wild Horse Amendment**, approved August 2, 1993
- **Elko Resource Management Plan**; approved March 11, 1987
  - Elko RMP **Wild Horse Amendment**, approved October 15, 2003

Preparation of an EA for the **Proposed Elko/Wells Resource Management Plans Fire Management Amendment** has been completed, and the State Director signed a FONSI on October 14, 2003. Once this approved amendment is issued (expected in fiscal year 2004), applicable proposals should be reviewed for conformance with it.

*If you believe that a proposal is NOT in conformance with an approved RMP, consult the responsible manager and Planning and Environmental Coordinator (P&EC). The following options are available.*

1. Modify the action so it conforms (would require written agreement of an applicant).
2. Initiate action to amend the RMP (requires Field Manager and State Director approval).
3. Deny the action (would require Field Manager concurrence).

As discussed on page 1 of H-1790-1 for exempt actions, a proposed action may be denied on the basis that it does not conform to a RMP, and thus does not warrant further consideration. As such, option 3 could consist of a letter of denial to an applicant. As for any decision document, follow program-specific direction.

### **Step 3 -- Determine the Appropriate Level of NEPA Documentation**

Screening of an action determines which level of NEPA review and documentation is required. The P&EC is available for assistance in completing the proposal screening package.

Manager approval of the worksheet, with attachments, will document one of the following:

a) The action is **exempt**. -- Actions that are exempt from NEPA documentation should not be confused with actions that may be *categorically excluded*, as discussed in the next choice and Chapter II of H-1790-1 and this Guidebook. As discussed on page 1 of H-1790-1, exempt actions include (1) Congressionally Exempt Actions, (2) Emergency Actions (40 CFR 1506.11; 516 DM 5.8), and (3) Rejections of Proposed Actions. *If you believe an action is exempt from NEPA documentation*, draft a decision document for signature by the responsible manager that includes reference to this determination. Follow program-specific direction.

b) The action is **categorically excluded (CX)**. -- *If you believe an action can be categorically excluded, see Chapter II for steps required to document this determination.* Use **CX Review** (Appendix 2a1; Form NV-010-1790-2), and include it in your screening package for approval by the responsible manager. To satisfy program-specific direction, you may also need to draft a decision document.

c) The action is **fully** covered by an existing EA or EIS (**DNA**). --Because a proposal is first reviewed for conformance with the applicable RMP, the EIS (or EA) prepared for the approved RMP (or Amendment) is the first NEPA document that *may* adequately cover the action. It is further likely that a more area- or site-specific NEPA analysis was completed to support implementation of a project since the RMP/Amendment was approved. The project lead is responsible for identifying and/or providing any existing analyses for interdisciplinary review.

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## **Chapter I -- SCREENING FOR NEPA COMPLIANCE**

There are 7 criteria that the existing documents are reviewed against. *If you believe the proposed action is fully covered, then complete and attach a **DNA Worksheet** (Appendix 3; Form NV-010-1790-3) for approval.* See Chapter III for guidance in completing the DNA Worksheet. *Also, draft and attach a decision document for concurrent signature by the responsible manager. The decision document should include a finding of no significant impact and it must meet program-specific requirements for the action. Once the responsible manager signs a DNA Worksheet, the decision for implementation of the action may also be issued.*

d) The action requires preparation of an EA. -- This Guidebook focuses on completing an EA-level analysis. An EA is prepared if an action is not exempt, categorically excluded, or does not normally require preparation of an EIS (516 DM 6, Appendix 5). *If you believe preparation of an EA is necessary, include an **EA Scoping Record** (Appendix 4a; Form NV-010-1790-4a) in the screening package. Managers will assign specialists to review attached materials and complete internal scoping for the EA. Attachments should include the preliminary description of the proposed action and the land use plan conformance statement (this may be in the form of a very preliminary EA. Also include any existing analyses that are available to **tier** to and/or **incorporate by reference** for review and use by specialists to streamline preparation of an EA (see Chapter III). As discussed by the next screening steps, managers should also provide direction toward defining issues to be addressed, additional data and analysis needs, public involvement needs, the timeframe for project planning and implementation, and any funding constraints. See Chapter IV for the EA process.*

e) The action requires preparation of an EIS. -- *If you believe that significant impacts are likely, preparation of a new or supplemental EIS will be necessary.* NEPA procedures from CEQ regulations and BLM's Handbook (H-7190-1) must be followed. Screening for proposals that require an EIS provides an early opportunity to document direction for a public involvement strategy and the schedule and budget, to include staffing assignments.

Note: Although unusual, managers may choose to prepare an EA to facilitate preparation of an EIS. This may occur when believed it would be useful in conducting public scoping.

In summary, the screening package should include the forms required to process the appropriate NEPA document. In the case of a CX or DNA, an action may be approved at the same time, or soon after, a manager approves the screening worksheet. If an EA is to be prepared, manager(s) should assign specialists to conduct internal scoping for it, as indicated on the EA Scoping Record. From there, the project lead is responsible for providing information to and obtaining information from specialists as necessary, and in accordance with direction provided.

### **Step 4 -- Obtain Manager Direction (public involvement, schedule, budget, staffing)**

As part of the screening process, a project lead should obtain direction from the responsible manager for any (a) public involvement needs; (b) the schedule and budget for planning and implementation of the action, and (c) staffing and any third party (contracting) requirements.

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## **Chapter I -- SCREENING FOR NEPA COMPLIANCE**

### **Public Involvement**

When screening is completed, the Elko Field Office managers, P&EC, project lead, and ID team members should have a common understanding of any external notification, scoping, coordination and review requirements associated with the planning and decision-making process for the proposed action. This includes requirements for coordination and consultation with applicants, affected interests, and other agencies and tribes for compliance with NEPA and FLPMA. Integration of activities to comply with other laws or policies, such as the Endangered Species Act and National Historic Preservation Act with NEPA reviews will streamline the collaborative planning and decision-making process.

### **Schedule and Budgeting Needs**

Also as part of the screening process, obtain management direction for the schedule and budgeting requirements for any further planning and implementation of the proposed action. The Proposal Worksheet includes a place to briefly document this direction.

The lead must submit the brief description of the action, i.e. as provided by the approved Proposal Screening Worksheet, to the P&EC for inclusion in the Elko Field Office “*Project and Planning Schedule*.” The Elko Field Office currently provides this *Schedule* to the public on a semi-annual basis, and is working towards publishing it more frequently (at least on a quarterly basis). It is one tool that the Elko Field Office uses to meet public notification requirements as discussed above. Anyone who wishes to participate in the planning and decision making process is invited to call and/or write the contact listed (i.e., the project lead).

Most actions that are categorically excluded do not require public involvement, and so are not usually published in this *Schedule*. Decisions for actions for which a DNA is completed are also reported on a case-by-case basis. Actions which require preparation of an EA are always included. Actions for which an EIS is required are generally not included until a Notice of Intent is published in the *Federal Register*.

As a proposal proceeds through the planning and decision-making process, the project lead (contact) is further responsible for providing updates for the *Schedule* to the P&EC. The status is generally reported in one of three phases, as marked by completion of a procedural milestone:

- 1) Preliminary design -- indicating that feasibility-level screening has been completed, and scoping for preparation of an EA is underway. For an EIS, provide information about publication of a Notice of Intent and initiation of the formal public scoping period.
- 2) Preparation of an EA is underway – indicating that scoping has been completed. For an EIS, indicate if/when a Draft or Final EIS has been issued for public review.
- 3) Implementation -- indicating that a decision has been issued.

Projects are generally removed from the *Schedule* that follows its report of the decision. The *Schedule* is not used to report progress associated with any appeal or suits filed.

### **Step 5 -- Create the Project File (Administrative Record)**

The final step of the screening process is for a project lead to create the project file for use in maintaining the administrative record for the action. Organize the file to meet program-specific requirements, and include any records related to NEPA compliance and issuance of the decision.

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## **Chapter I -- SCREENING FOR NEPA COMPLIANCE**

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## **Chapter II -- USING CATEGORICAL EXCLUSIONS**

### ***A. General***

Federal agencies have determined categories of action which do not have a significant effect on the quality of the human environment and for which, therefore, neither an EA nor an EIS is usually required (40 CFR 1508.4). Application of categorical exclusions is encouraged to reduce paperwork and speed up the decision-making process. Each time a CX is used, a review of the currently proposed action against “exceptions” (or “extraordinary circumstances”) must be completed. Any measures required to avoid or reduce significant impacts should be defined as part of the proposed action. Such measures should not be referred to as “mitigation.”

### ***B. Conducting a Categorical Exclusion Review (Seven Steps)***

*Complete and attach a CX Review form (Appendix 2a) to the Proposal Screening Worksheet for approval.*

#### **Step 1 -- Define the Proposal/Describe the Proposed Action**

Copy the brief description from the Proposal Worksheet directly on the CX Review form. If necessary, reference/attach a more detailed description, with a project map and/or legal description.

#### **Step 2 -- Document LUP Conformance**

Use the statement written for screening step 2 (see pages I-3 and -4).

#### **Step 3 -- Cite the Applicable Category**

Review the proposed action against the list of actions which may be categorically excluded, at the Departmental (DOI) and agency (BLM) level. See Appendix 2a2 for this list. This file is available for use from our local network (s:\public\nepa). Note the applicable CX number and copy the text of the category onto the CX Review form.

- The listing in Appendix 2 includes new categories for hazardous fuels reduction and burned area rehabilitation projects that were added to the DOI CX list in July 2003.

#### **Step 4 -- Conduct the CX Review**

- a. Route the **CX Review** form with attachments to appropriate specialists for their review of the proposed action against ‘exceptions’ (extraordinary circumstances). If no extraordinary circumstances exist, analysis in an EA or EIS is not required to comply with NEPA.
  - The **CX Review** form includes three new ‘extraordinary circumstances’ that have been recently been added to the Departmental Manual (516 DM 2, Appendix 2). The additional exceptions are for:
    - Environment Justice (Executive Order 12898)
    - Sacred Sites (Executive Order 13007)

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## **Chapter II -- USING CATEGORICAL EXCLUSIONS**

- Noxious Weeds or Non-Native Invasive Species (Federal Noxious Weed Control Act and Executive Order 13112)

In addition, a review for migratory birds (Executive Order 13186) is also now required. With these additions, the exceptions are the same as the ‘critical elements’ that BLM requires be analyzed in an EA, and with criteria for significance for a FONSI (see Chapter IV for further discussion).

Note: Review by a biologist and archeologist is required, and the revised CX form also requires review by a Native American Coordinator and Weed Specialist.

- b. The CX checklist also includes a section to comment on issues for non-critical elements, such as whether or not the action would meet visual resource management objectives. If the approving manager requests review and comments by other resource specialists, document this review.
- c. Following surmising on the CX Review form by specialists, obtain a NEPA Register number from the P&EC.

Note: Completion of a **CX Review** form does not preclude BLM responsibility for meeting requirements of the Endangered Species Act, National Historic Preservation Act, Executive Orders, etc. Documentation of compliance by the appropriate specialist, to include completion of biological evaluations and cultural surveys and reports, may be required before it is appropriate for a manager to approve a CX.

- d. Include the CX Review form in the proposal screening package (Chapter I).

### **Step 5 -- Document the Decision**

Even if there are no extraordinary circumstances that would preclude the action being categorically excluded, it may be still be necessary to draft a decision document to meet program specific requirements. Incorporate the project description; if lengthy it may be attached. To document NEPA compliance, state that: “*The action is categorically excluded from further analysis for compliance with NEPA (BLM/EK/PL-2004-###).*”

Note: It is not appropriate to refer to *mitigation* requirements for an action that is categorically excluded. For an action proposed by an applicant, only features that are already described as part of the proposed action should be cited as ‘stipulations’ in the authorizing (decision) document.

Appendix 2b1 and Appendix 2b2 are templates for writing a “decision memorandum” that is required when using the new Departmental CXs for hazardous fuels and burned area rehabilitation projects.

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## **Chapter II -- USING CATEGORICAL EXCLUSIONS**

### **Step 6 -- Obtain Manager Approval**

Submit the CX Review form and any decision document to the responsible manager for signature. (As discussed in Chapter 1, it would normally be attached to the Proposal Screening Worksheet.)

### **Step 7 -- Complete the Administrative Record**

Upon signature of the CX Review form by the responsible manager, provide a copy of the Proposal Screening Worksheet to the P&EC for use in maintaining the project planning schedule and NEPA Register.

Include the approved decision document and signed **CX Review** form in the project file. Notify any interested parties of the decision, in accordance with program specific requirements and before implementing the action.

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## **Chapter II -- USING CATEGORICAL EXCLUSIONS**

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## **Chapter III -- USING EXISTING ENVIRONMENTAL ANALYSES**

### ***A. Reviewing Existing Environmental Documents (Eight Steps)***

Conducting an interdisciplinary review of existing analyses is part of the process required for completion of a **DNA Worksheet** (*see Step 4 and section III.B below*), and is also applicable to the internal scoping process for preparation of an EA (*as discussed further in Chapter IV*).

In the BLM, the existence of previously prepared environmental documents that are related to the currently proposed action is the norm rather than the exception. A proposal is screened for conformance with the applicable RMP (*see Chapter I, Step 2*). The EIS (or EA) prepared for the approved RMP, as it may have been amended, is the first NEPA document that *may* adequately cover the action. It is further likely that a more site-specific NEPA analysis was completed to support implementation of a project since the RMP/Amendment was approved.

Completion of a DNA Worksheet documents that currently proposed action is fully covered by an existing EA or EIS. When an action is not fully covered, an EA must be prepared. In this case, specialist review of existing analyses is useful in identifying information that may be **tiered to** (*section III.C*) and/or **incorporated by reference** (*section III.F*) in the EA.

#### **Step 1 -- Define the Proposal/Describe the Proposed Action**

Use the description as developed for screening, Step 1 (*see Chapter I*).

#### **Step 2 -- Document Land Use Plan Conformance**

This is the same as screening step 2 (*see Chapter I*).

#### **Step 3 -- Review Existing Analyses**

The Proposal Screening Worksheet (Appendix 1) also identifies any existing analyses (EAs and EISs) that are pertinent to the action under consideration. Seven criteria, as listed on pages III-1 & 2 of H-1790-1, are used to determine if an existing EA or EIS covers a proposed action. The project lead is responsible for consulting with appropriate resource specialists to determine if the seven criteria are met:

1. The new proposed action is a feature of, or essentially the same as, the alternative selected in the NEPA document being reviewed.
  - To determine if the current action is the same as the alternative selected from an EIS, to include any commitments for mitigation measures, review the ROD. For an EA-level analysis, this may require review of the associated decision document (such as a DR or Proposed Multiple Use Decision).
2. A reasonable range of alternatives was analyzed (i.e., there are not unresolved conflicts involving alternative resources uses for the currently proposed action).
3. The circumstances or information upon which the document was based are still valid and germane to the new action.

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4. The methodology or analytical approach used in the document is appropriate for the new proposed action.
5. The direct and indirect impacts of the new proposed action are not significantly different than, or are essentially the same as, those identified in the document being reviewed.
6. The new proposed action, if implemented, would not significantly change the cumulative impacts analysis, i.e., is within the range of impacts predicted for past, present and reasonably foreseeable future actions contemplated in the document being reviewed.
7. Public involvement in the document being reviewed provides appropriate coverage for the new proposed action.
  - Public involvement may include requirements for involving an applicant and/or satisfying interagency and/or tribal coordination requirements.

### **Step 4 – Document NEPA Adequacy (Prepare a DNA)**

> *If all the above criteria are met by an existing EA or EIS, complete a **DNA Worksheet** (Appendix 3).*

> *If interdisciplinary review of the existing EA or EIS being reviewed indicates that any of the criteria of Step 2 are not met, a new NEPA analysis document must be prepared. To streamline its preparation, the analysis should focus on current issues, and incorporate valid existing analyses and conclusions by reference (see section III.F below).*

Since 1999, BLM has replaced what it had referred to as making an “Administrative Determination” to a “*Documentation of Land Use Plan Conformance and NEPA Adequacy*” and has required completion of a DNA Worksheet. See the next section III.B for additional information. The latest guidance on how to complete this worksheet is from the Washington Office Instruction Memorandum No. 2001-062. Appendix 3 is the worksheet. It replaces the illustration in H-1790-1, *Optional Plan Conformance/NEPA Compliance Record*, which follows page III-8 of the 10/25/88 release of the BLM NEPA Handbook.

### **Step 5 -- Document the Decision and Manager Approval**

Even when an action is determined to be fully covered by an existing EA or EIS, a FONSI and decision document must still be issued to implement the current proposed action (Washington Office Instruction Memorandum No. 2001-062). As noted at the beginning of the DNA Worksheet, its approval does not constitute a decision that may be appealed under FLPMA. Elko Field Office procedures for completing a DNA therefore include a step for a project lead to draft a combined FONSI/Decision Record (DR).

- Guidance for writing a combined FONSI/DR is provided by pages IV-12 and -13 of H-1790-1, and is supplemented in section IV.C of this Guidebook.

When a decision is based on a DNA, the DR must incorporate a FONSI. *It may necessary to draft a new FONSI with a DR (see sections IV.C and IV.D).* Draft a FONSI if:

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- a) the existing FONSI for an EA is not adequate, i.e., it does not provide reasons for the finding that are pertinent to the decision for the current proposed action, or
- b) An EIS is relied upon, and it does not anticipate significant impacts as a result of the current action (and this why it is not necessary to prepare a new or supplemental EIS).

As discussed on page IV-6 of H-1790-1, the decision to approve a proposed action may be made after consideration of factors that are not addressed by an environmental analysis, and must be in accordance with program-specific requirements. The decision should clearly specify what is being approved and follow program specific requirements. Name the NEPA compliance documents (EA and FONSI or EIS and ROD) that supports the decision to implement the action.

- *Do not cite the DNA Worksheet as the NEPA analysis document that supports the decision.* While it provides internal documentation of the determination that there is no need to complete a new NEPA analysis document and would be available for public review upon request, a DNA Worksheet is not a NEPA compliance document.

The decision document should clearly identify resource protection or conservation features and environmental and monitoring requirements that were analyzed as part of the current proposed action. The decision should further specify the applicable mitigation measures from the referenced EA or EIS (section F in the DNA Worksheet) that are required as a condition of approval.

### **Step 6 -- Complete the Administrative Record**

Once approved, visit the P&EC with the **DNA Worksheet** and decision document for entry into the NEPA Register. Ensure all pertinent records (DNA Worksheet, decision documents, records of contacts with others) are included in the project file, for use by anyone responsible for implementation of the action.

### **Step 7 – Provide Public Notice**

Follow program-specific requirements for public notice of the analysis and decision for the action, if any.

### ***B. Documentation of NEPA Adequacy (DNA, Step 4)***

*Use a DNA Worksheet to document that a current action is adequately covered by an existing NEPA analysis.* The worksheet and Washington Office instructions for its completion are included as Appendix 3 to this Guidebook.

Note: Completion of a DNA does not preclude the need for a site-specific assessment of impacts for issues such as cultural or biological resources. A survey and/or evaluation may still be required *before* a DNA Worksheet should be signed by the responsible Manager.

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The DNA Worksheet first requires a description of the proposed action and a LUP conformance statement. This is the same information required by the proposal screening steps I1 and I2 of the Elko Field Office NEPA compliance process, as discussed further in chapter 1 of this guidebook.

- List the approved RMP/ROD and any applicable approved RMP Amendment/DR (and not the associated EIS or EA)

Section C of the worksheet identifies the name of the NEPA analysis document(s) that covers the currently proposed action. Also note the Elko Field Office NEPA Register number in the case of an EA, or the filing number assigned by the Environmental Protection Agency for an EIS.

- *The first EA or EIS listed should be the one that fully covers the current proposed action.* Other NEPA documents listed would likely have been tiered to, or incorporated by reference, in this primary NEPA document.
- When you are considering a site-specific action that implements an approved RMP, always list the Draft EIS and/or Final EIS for the RMP.
- The NEPA analysis document that is determined to fully cover the current action should have been prepared by the BLM. If not, follow guidance from section III.E of H-1790-1 and this Guidebook for adoption of another agency's EA or EIS.

Section C also includes citations for “other” (non-NEPA) analyses applicable to the current proposed action. Include any site specific inventory reports or assessments, such as for biological, cultural or visual resources that cover the current action, to include any that were completed since a NEPA analyses document(s) listed above was completed.

Section D of the DNA Worksheet provides explanations as to how the “NEPA Adequacy Criteria” (as listed above for Step III.3) are met by the existing document(s). Follow the guidance provided with the worksheet in Appendix 3 in answering each question for the seven criteria.

- Provide specific references (including page #s) from the documents listed in section C.

Section E is equivalent to the “List of Preparers” that is required for an EA or EIS.

- Only list resource specialists involved in this review of the existing document(s) (i.e., not the ID team that prepared the existing EA or EIS).

Section F is for applicable **mitigation measures** that need to be committed to in the decision for the current proposed action.

- Do not list environmental design features, SOPs, specifications and requirements that are already described or referred to as part of the current proposed action in section A of the worksheet. List only mitigation measures that are discussed in the "Environmental Consequences" section of the EIS or EA that should be committed to as a condition of approval for the current action.

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Conclusion – As noted at the beginning of the worksheet, signature by the responsible manager does not constitute a decision that is subject to appeal. Its approval serves to support issuance of a decision, without preparation of a new EA or a new or supplemental EIS to comply with NEPA. See the above discussion in section A, for Step 5.

### **C. Tiering**

Tiering refers to the coverage of general material in a broad EIS within a subsequent and narrower EIS or EA. Tiering is appropriate when:

- (1) the analysis for the proposed action will be a more site- or project-specific refinement of the existing analysis, and/or
- (2) the decisions associated with the existing environmental document will not be changed as a result of the tiering.

### **D. *Supplementing***

CEQ regulations provide direction for processing a supplement to an EIS, but there is no such thing as a supplemental EA. Prepare a new EA. Focus on the NEPA adequacy criteria not met by the existing analysis. Summarize and incorporate pertinent information from an existing analysis by reference.

### **E. *Using Another Agency's EA or EIS***

BLM may adopt a Draft or Final EIS prepared by another agency, or a portion thereof, if it meets the CEQ and DOI/BLM standards for an adequate statement [40 CFR 1506.3(a)]. Adoption procedures depend on if BLM was a “cooperating agency” in preparation of the other agency’s document (40 CFR 1501.6).

CEQ regulations do not explicitly discuss adoption procedures and cooperating agencies in the context of EAs. By memorandum to the heads of federal agencies dated January 30, 2002, CEQ provides further guidance for cooperating agencies, which is attached to Washington Office Instruction Memorandum No. 2002-149. As discussed on page 3, CEQ’s guidance for EISs is recommended for EAs.

When another agency’s EIS or EA is adopted, BLM assumes responsibility for its scope and content. BLM must prepare its own decision document, i.e., a ROD for an EIS and a FONSI/DR for an EA. The decision would be subject to public review and administrative and remedy in accordance with program-specific requirements (see also Chapter VIII of this Guidebook).

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### ***F. Incorporating by Reference***

An EA should be concise and easily understood. To cut down on bulk without impeding agency and public review of the action, CEQ requires that agencies shall incorporate material by reference into an EA or EIS (40 CFR 1502.21). However, *use of this tool should not result in a loss of understanding by the reader.* To streamline preparation of EAs at the Elko Field Office, increased and *proper* use of incorporating information from existing analysis is needed.

- “Relevant portions of the incorporated analysis must be ... summarized in the EA or EIS to the extent necessary to provide the decisionmaker and the public with an understanding of the significance of the referenced materials to the current analysis.” (page III-8, H-1790-1).
- *If the reader has to review the referenced document to understand what is being concluded or required, you have failed to properly incorporate the material.*

As further discussed by the BLM Handbook and on pages 19-20 of the June 1999 “*Overview of BLM’s NEPA Process*.”

- Incorporated material shall be cited in the document (to include the *name* of the document and the page number(s) from it).
- The content of the incorporated material must be briefly described (summarized).
- No material may be incorporated by reference unless it is reasonably available for inspection (by the public or as part of a judicial review) within the time allowed for (review) and comment.
- Propriety data (such as cultural or biological inventories or reports) may be referenced, but *not* incorporated by reference. Instead, the information should be summarized with mention that the propriety information is not available for public review.
- All documents cited must be listed in a bibliography (or References section) of an EA or EIS. Specialists should provide this information to the lead preparer when they cite information from existing NEPA documents.

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

### ***A. General***

According to the Departmental NEPA manual, an EA will be prepared for all actions, except those covered by a categorical exclusion, covered sufficiently by an earlier environmental document, or actions for which a decision has already been made to prepare an EIS. The purposes of EAs are to:

- Determine whether a proposed action would cause significant impacts to the quality of the human environment and, therefore, require preparation of an EIS.
- Ensure requirements of the NEPA, CEQ regulations, the Department and BLM are met.
- Provide the reader and decision-maker with an understanding of what environmental consequences would occur if an action were implemented.
- Identify measures to avoid or minimize potential adverse impacts and enhance beneficial impacts that may result from a proposed action.
- Document the analysis process so that it is available for public review.

An EA, and associated “Finding of No Significant Impact” (FONSI), serve as documentation of NEPA compliance. Although rare, an EA can be also be used to facilitate preparation of an EIS, when it is determined that the results of the assessment would be useful in completing public scoping for the EIS. In this case, a Notice of Intent (to prepare an EIS) is issued instead of a FONSI.

### ***B. Environmental Assessment Procedures (Eight Steps)***

The eight-step process used to prepare an EA is the same whether the proposed action is initiated internally or externally.

a) The Project Lead should begin the process by assembling the interdisciplinary (ID) team to internally conduct scoping for the EA. Supply information to specialists, as assigned by the approving Manager at the conclusion of screening. Use the **EA Scoping Record** (Appendix 4a).

b) Once the scope of an EA is defined, specialists assigned to the ID team should conduct analyses and provide input to the “lead preparer” (usually the Project Lead) of the EA. Once the preliminary EA is written, the lead preparer should also draft a FONSI (and DR, if combined). These documents should be reviewed for editorial corrections by a program lead or supervisor, and then provided to the P&EC for an initial review and surnaming under the cover of an **EA Review Record** (Appendix 4b). This record shows how the EA is organized to address issues identified as a result of scoping, and the specialists who contributed to its preparation. The preliminary EA should then be circulated for a final round of review by the ID team members (Preparers).

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c) Based on comments for its revision, the lead preparer should then finalize the documents (EA and FONSI/DR) and route it under the cover of the EA Review Record to the P&EC and responsible manager for approval.

### **Step 1 -- Define the Proposal/Describe the Proposed Action**

Supply materials to resource specialists, as approved by screening step 1 and assigned on the **EA Scoping Record** (Appendix 4a), for review and input. This includes:

- A concise statement of the need for and purpose of action
- Preliminary project description and maps
- Any existing analyses that are available for review

This information may be provided in the form of a formatted *initial* draft for the EA with a request for 'baseline' information, to include a clear statement of the issues to be addressed.

### **Step 2 – Document LUP Conformance**

Provide a LUP conformance statement for review by the specialists assigned to prepare the EA.

- Resource specialists should provide current information for inclusion in the EA that supports the conformance and consistency conclusions. This is especially important when an action is proposed to implement resource management direction from an approved RMP/amendment, and any activity or program plan.

### **Writing a Land Use Plan Conformance Statement**

See the listing on page 3 for Screening, Step 2, for a listing of the RMPs and associated amendments that should be referred to in a land use plan conformance statement for an EA level analysis. The following statement may be used:

**The proposed action** [*add "and alternatives"*-- if there are any, other than the *no action* alternative] **as described below is** [*are*] **in conformance with the following approved land use plan:**

> [*name applicable plan or amendment(s)*], **approved** {date}, **page** {#}, [*list the Management Action or Decision or Issue #(s)*]. **This decision is to** [*quote or summarize text*].

Specific citations from the referenced RMP (or RMP amendment) are required in an EA because it is a public document that is required to comply with NEPA. The reader should not have to actually request and review the RMP to understand how the action under consideration conforms.

In situations where the conformity is not clearly stated, compare the action with the direction from the RMP that most closely relates to it. Determine if the action would be consistent with resource management objectives established by the plan. The following statement may be used:

**The** [*name applicable plan and/or amendment*], **as approved** {date}, **is silent on the proposed action** [*and 'alternatives' – if there are any*]. **However it is** [*or 'they are'*]

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

**consistent with the objectives of the RMP for [name the resource issue(s). such as wildlife and/or grazing, and cite the page #].**

The lead should also review and cite, any other plan that has been approved by BLM that specifically applies to the geographic area that the action is located in.

- This includes any area-specific activity plan approved to implement the RMP, such as an allotment management plan or multiple use decision.
- This may also include regional plans for programs that prescribe standard operating procedures to be used in implementing an within the RMP planning areas that comprise the Elko district (the former Elko Resource Area and Wells Resource Area).

If appropriate, add the following statement:

**The proposed action [add ‘and alternatives’ – if applicable] is [are] further consistent with the meeting resource management objectives established by the following activity plan(s) for the geographic area of the action:**

- *List applicable plan(s) and the date the decision was signed. Cite the management determination with page #(s). This includes ‘decisions’ or ‘objectives’ from a Final Multiple Use Decision.*

*FLPMA also requires that actions be reviewed for consistency with other (non-BLM) federal, state and local laws and plans. As such, the conformance statement should also include the following conclusion:*

**The proposed action [and alternatives] is [are] consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.**

- *List any applicable law(s), regulations and plans. Include references to approved plans, such as a local land use or pertinent water or wildlife conservation plan.*

Text in a NEPA analysis document should support this land use plan conformance statement. This includes writing the purpose and need statement (which precedes it) and the description of the proposed action and alternatives (which follows it) to include measures for accomplishing resource management objectives, as established by a RMP/Amendment, activity plan, or other Federal, state or local plan. The analysis of effects in an EA should show the degree to which the proposed action, or alternative, would achieve desired results, and/or avoid or minimize the intensity of potential negative environmental impacts and, thus, prevent undue degradation.

### **Step 3 -- Determine the Scope of an EA**

Conduct **internal** scoping (step 3A), and follow with any **external** scoping (step 3B), as directed by the responsible manager. Conclude by obtain concurrence from the responsible for the scope, before you proceed with preparing the EA.

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

### ***Step 3A: Internal Scoping***

> *To document internal scoping, a project lead should use Appendix 4a, EA Scoping Record*  
As defined at 40 CFR 1508.25, “scope consists of the range of actions, alternatives, and impacts to be considered” in an environmental analysis document (EA or EIS). Information to be developed by an ID team as a result of scoping, but before an EA is prepared, includes:

- A statement of the need for and purpose of action.
- A description of the proposed action, to include any connected actions and pertinent environmental design and resource protection or conservation actions.
- A description of the no action alternative (the only alternative that would not meet the need for action).
- Any alternatives to the proposed action (alternatives to be analyzed in detail must meet the need for and purpose of the action.)
- “Critical elements” and “other resources” that may be affected. Sharply define the issues that need to be addressed by the analysis.
- Data and analysis needs, to include information from existing analyses that can be tiered to and incorporated by reference (Item 4, Proposal Screening Worksheet, Appendix 1).
- Potentially affected interests and other agency coordination needs (for external scoping).

Critical Elements/Negative Declaration – One purpose of the Scoping Record is narrow the scope of analysis of the EA. “Critical elements” are subject to requirements specified in statute, regulation, or executive order and must be considered in all EA's and EIS's. The following table lists the critical elements of the human environment that must be addressed in Nevada BLM EAs (see also references listed in Appendix 5). If the critical resource or value is “not present” or “not affected” by the proposed action or alternatives, BLM requires this be documented in the EA or EIS as a “negative declaration.”

**Nevada BLM Critical Elements**

Element	Relevant Authority	BLM Manual or Regulation
Air Quality	Clean Air Act, as amended	MS 7300 40 CFR 93 subpart B
Areas of Critical Environmental Concern	Federal Land Policy and Management Act of 1976	MS 1617
Cultural Resources	National Historic Preservation Act, as amended	MS 8100
Environmental Justice	E.O. 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 2/11/94	
Farm Lands (Prime or Unique)	Surface Mining Control and Reclamation Act of 1977 Farmland Protection Policy Act	7 CFR 658.4
Floodplains	E.O. 11988, Floodplain Management, as amended, 5/24/77	MS 7260

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Element	Relevant Authority	BLM Manual or Regulation
Migratory Birds	Migratory Bird Treaty Act E.O. 13186, Migratory Birds	50 CFR 10, 17
Native American Religious Concerns	American Indian Religious Freedom Act of 1978 E.O.13007, Indian Sacred Sites, May 24, 1996	MS 8100 H-8160-1
Noxious Weeds	E.O. 13112, Invasive Species, 2/3/99	MS 9015
Threatened and Endangered Species	Endangered Species Act of 1973, as amended BLM Special Status Species	50 CFR 402 MS 6840
Wastes, Hazardous or Solid	Resource Conservation and Recovery Act of 1976 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended	MS 9180 MS 9183
Water Quality, Drinking/Ground	Safe Drinking Water Act, as amended Clean Water Act of 1977	MS 7240 MS 9184
Wetlands Riparian Zones	E.O. 11990, Protection of Wetlands, 5/24/77	MS 6740
Wild and Scenic Rivers	Wild and Scenic Rivers Act, as amended	MS 8014
Wilderness	Federal Land Policy and Management Act of 1976 Wilderness Act of 1964 (16 USC 1131 <i>et seq.</i> )	MS 8500

The EA Scoping Record lists each of the critical elements from the above table, and a listing of additional references, is provided at the end of this Guidebook. The negative declaration in an EA consists of a listing of those critical elements that BLM specialists have determined are not present or not affected.

- When a specialist determines that a critical element is *present* but *not* affected (i.e., no effect), a brief explanation should be provided. The lead preparer should note this input on the EA Scoping Record (reference and attach the explanation, if lengthy).

Whether or not an explanation for a negative declaration should also be included in the EA depends on if there is any controversy. A brief explanation is recommended *if* the issue was raised by the public. See the EA Template ([Appendix 4c1](#)) for additional guidance.

Non-Critical Elements/Negative Declaration – It is generally not recommended that a negative declaration be included in an EA for a *non-critical* resource or value. Include an explanation only if deemed appropriate, because the issue was raised by the public during scoping and a determination was made that the action has no potential to affect it.

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Resource Issues To Be Analyzed – The internal EA Scoping Record identifies critical elements and resources that are present and would be affected. It also provides a section to “sharply define” the issues to be analyzed in detail in an EA. This statement should guide resource specialists as they provide input to the lead preparer.

- *When internal scoping is to be followed external scoping, provide preliminary information for any significant issues to be addressed by alternatives and/or the analysis of direct, indirect and cumulative impacts in the EA.*

Actions Proposed by Applicants -- For *externally initiated proposals for action*, the project lead or manager is responsible for involving the applicant or project proponent in accordance with program-specific requirements. This includes requiring submission of environmental information, analyses, and reports *as an integral part of an application* for the use of public lands.

- To expedite the processing of an application, it is common practice for an EA to be submitted with an application. An applicant or project proponent should contact the responsible official (Field Manager or Assistant Field Manager) as soon as possible when they are contemplating preparation of a third-party EA. See the next section, and section D of this chapter, for additional guidance on “Third-Party Generated EAs.”
- Recent revision of the Departmental NEPA Manual move requirements for involving applicants from Appendix 5 of 516 DM Chapter 6, to 516 DM 1.4C.

An application serves as documentation of the (applicant’s) “proposed action” for use in scoping. Once accepted, the lead is responsible for following program-specific requirements for involving the applicant in any external scoping that may be required for preparation of the EA.

- When a (preliminary) EA is submitted with an application, it should not be “accepted” until it has undergone internal review. (*Use **EA Review Record**, Appendix 4b*)

Potentially Affected Interests – Based on the issues to be addressed, identify any potentially affected interests, along with assignments for conducting external scoping.

### ***Step 3B: External Scoping***

Use the above information in conducting any external scoping with the public, other agencies and tribes. Prepare a mailing list, and keep and maintain it in the project file for the action.

Valid addresses will be needed at the completion of the NEPA process (see Step IV-8).

Coordinate with the Elko Field Office Contact Representative and Public Affairs Officer. Attach the distribution list, with addresses, to the file copy of any news release, letter or e-mail that is sent out.

Public Scoping & Review -- A manager has a great deal of discretion in determining public scoping and review requirements for an action subject to preparation of an EA (or EIS) under NEPA. CEQ regulations at 40 CFR 1506.6 require that agencies shall:

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- (a) Make diligent efforts to involve the public in implementing their NEPA procedures.
- (b) Provide public notice of NEPA-related hearings or meetings and the availability of environmental documents, to inform interested and/or affected person and agencies.
- (c) Hold or sponsor public hearings or meetings whenever appropriate or in accordance with statutory requirements applicable to the agency.
- (d) Solicit appropriate information from the public.

Periodic publication of the Elko Field Office *Project and Planning Schedule* is considered as an invitation to participate in our planning process. If the timeframe for completing an EA to support a decision does not correspond to issuance of the *Schedule*, additional public notice of scoping may be necessary. One method for soliciting input is to send out a local news release.

- Formally establish a (typically 30-day) public scoping period within the notice.
- If a manager determines that a public scoping meeting is needed, it cannot be held until at least 15 days following publication of a public notice for it.

BLM is responsible for identifying and soliciting input from anyone who would be directly affected by or is involved with the action. Depending on the action, such people/groups may include livestock grazing permittees, right-of-way holders, mining claimants, cooperating agencies or partners, and adjacent landowners. For an EA, external scoping with a potentially affected interest may be effectively accomplished informally, via telephone or e-mail. Another method of soliciting input from those identified is to mail a “Dear Interested Party” letter, to which background information may be enclosed.

A copy of any public notice and mailings should be included in the project file. Also include a record of any conversation, e-mail message or written comment that identifies if he/she has any concerns and/or wants to receive a copy of the EA and/or decision.

Coordination with Other Agencies and Tribes -- As part of external scoping, specialists on the ID team should coordinate with other agencies or tribes as necessary to meet program specific and other environmental review requirements. Records of coordination activities must be provided to the Project Lead for inclusion in the administrative record for the action, and for documentation in the “Consultation and Coordination” section in the EA. This includes any records for early and informal coordination to identify issues of concern to Native Americans, and to meet BLM’s consultation responsibilities under section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

State and Local Agencies-- A Memorandum of Understanding between BLM and the Nevada State Clearinghouse outlines procedures for early coordination with state and local agencies (October 30, 1995; BLM MOU 1600-NEV-008-3; IB NV-96-042). The BLM agrees to provide notice of proposed activities identified in Exhibit 2. Reporting requirements are for “Major” Federal actions (i.e., action for which major EAs and all EISs are prepared, as provided by the

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

CEQ NEPA regulations. The list also outlines requirements for specific activities, such as realty actions, mining plans, interdisciplinary allotment evaluations, wild horse gather plans, wilderness management plans, and national historic trail management plans. The following additional examples for coordination with state and local agencies are from the 1993 NEPA Guidebook for the Elko District:

Example 1: As a result of a Memorandum of Understanding between the Nevada BLM and the Nevada Department of Wildlife (NDOW), the biologist on an ID team is responsible for initiating scoping via a NDOW Input Request form letter.

Example 2: All realty related actions must be scoped through the County Planning Commission, using Form NSO 2400-2 (May 1976) with a cover letter.

### ***Step 3C: Conclude Scoping***

To guide interdisciplinary preparation of a preliminary EA in the next step, establish an outline for the content and format of the EA. The project lead may use the *EA Review Record* (Appendix 4b) to indicate the alternatives and resource issues to be addressed. Report the results of public scoping for approval by the responsible manager, before you request any additional input from specialists into the preliminary EA.

The P&EC is available to assist a project lead in concluding the scoping process. Ensure records of any scoping meetings, field visits, or telephone conversations with the ID team, an applicant, other agencies, or the general public are included in the project file. A report of public scoping results should include responses to any written input received during a formal scoping period.

### **Step 4 -- Conduct the Assessment and Draft the EA, FONSI and DR**

The processing sequence for the interdisciplinary analysis and preparation of an EA is:

- a. The lead preparer coordinates as necessary to obtain and incorporate ID team input in a **preliminary** EA, in accordance with the scoping and format/outline for the EA determined in Step 3 above. It is recommended that a working draft of the EA be available to ID team members on a shared local network site. See section C below for guidance in writing the EA. More detailed instructions for writing the EA are provided by the **EA Template** (Appendix 4c1).
- b. Draft a FONSI (with or without a DR, as applicable; see section C-2 in this chapter).
- c. Circulate the preliminary EA and FONSI/DR to the P&EC and ID team members for review. Document revision comments, using the **EA Review Record** (Appendix 4b).
  - The **EA Review Record** has been designed for use as a 'checklist' by the lead preparer. Surnames of specialists are not required. Only a supervisor, program lead, and/or P&EC who is responsible for completing an editorial review of the document is required to initial it.
  - See section D of this chapter if you are processing an EA generated by a third-party.

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

### **Step 5 – Conduct Internal and External Review**

**Step 5A: Internal Review** -- The project lead (or lead preparer, if different) is responsible for conducting review of the preliminary EA and draft FONSI/DR, and for revising it.

- Use the **EA Review Record** (Appendix 4b) to track the revision process.
- 1) Complete an editorial review, and document who performed it on the EA Review Record. (This is commonly completed by a program lead or supervisor).
- 2) Provide the documents to the P&EC. Preliminary EAs that require major editorial revisions will be returned to the lead Preparer. If adequate, the P&EC will assign a NEPA Register #, and return the EA Review Record to the lead preparer. Comments for revisions may be attached.
  - The lead preparer is responsible for maintaining the record of EA review comments.
  - A revision comments table is attached to the EA Review Record, for optional use in returning comments to the lead preparer for compilation.
- 3) Route the preliminary EA to ID team members (Preparers) for final review.
- 4) Compile and evaluate review comments. Attach the comments (or compiled list) with the version of the preliminary EA that was reviewed for inclusion in the project file.
  - Involve the P&EC and/or Manager as necessary to resolve any disagreements.
- 5) Revise the document(s).

**Step 5B: External Review** --It is preferred that any external review of a preliminary EA be conducted after the P&EC and manager have approved its distribution, following revisions to an internally reviewed document.

- Review of a preliminary EA by a cooperating agency that BLM has already reviewed internally will allow that agency to focus on meeting their needs on actions for which they have jurisdiction, and/or issues for which they have special expertise.
- As discussed on page IV-6 of H-1790-1 and in the public involvement section above, public review of a preliminary EA is only required under certain limited circumstances [40 CFR 1501.4(e)(2)].
- Public review of a preliminary EA should be conducted concurrent with review by other (non-cooperating) agencies.
- 1) Complete a cover letter (or “Dear Reader” letter) and distribute the preliminary EA.
  - Do not label an EA as a “**Draft**” (H-1790-1, page IV-6).
  - Specify requirements or desires, including the due date, for written comments.
  - If you include a FONSI, it should be a draft that is not signed.
- 2) Compile comments and evaluate responses, with assistance of the P&EC. Obtain Manager approval for responses *before* making any substantial changes to the document.

**Step 5C: To Conclude the Review** -- Finalize the EA and FONSI/DR, based on consideration of all *substantive* review comments. Route the final document(s) to the P&EC, under the cover of the previously circulated and surnamed EA Review Record (Appendix 4b).

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

- If a specialist on the List of Preparers has documented any disagreement that is not resolved to their satisfaction, include it with the final EA, FONSI and DR package.
- If public scoping and/or external review of the EA was conducted, the EA should include a distribution list, organized according to individuals, organizations, agencies and tribes. Specify names of persons and or number of copies, if more than one copy is sent. However, do not include the mailing addresses of the individuals named on this list.

### **Step 6 – Obtain Manager Approval**

An EA and associated FONSI is normally issued with (to support) a decision. Attach the final EA with the FONSI/DR to the EA Review Record. Draft any notices or letters required to distribute the documents to interested parties (see Step 8 below). Route the package to the responsible manager for signature.

### **Step 7 – Complete the Administrative Record**

Include the following records in the project file:

- EA Scoping Record (with ID Team submissions attached)
- Records of interdisciplinary meetings and coordination activities (phone records, etc.)
- Scoping materials and report (if any external scoping is involved)
- Preliminary EA Review Record(s), with revision comments
- Public and other agency review comments and responses
- Final EA and signed FONSI/DR (w/ approved EA Review Record)
- Mailing list(s) for the EA, FONSI and DR (see next section)

Visit the P&EC to ensure the approval date is logged into the NEPA Register, and that notice of the EA, FONSI and decision is reported in the Elko Field Office *Project and Planning Schedule*. Complete the administrative record with copies of any notices issued as to the availability of the EA and/or FONSI/DR as discussed for the next step.

### **Step 8 – Provide Public Notice**

While public review of an EA is not typically required, NEPA does require the public receive notice of the availability of an EA. BLM is further responsible for providing copies of an EA to individuals and organizations affected by or known to have an interest in the action. Anyone who provided scoping input or requested to be on the mailing list for the action must receive a copy. Others should receive notice of the availability of these documents. The documents should be posted on the Elko Field Office NEPA webpage, typically for 30 days.

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

The Nevada State Clearinghouse agreement, as discussed in section IV.B, Step 3 on page 19, calls for BLM to provide at least ten copies of ‘major’ EAs (and EISs) to the State Clearinghouse. To also be consistent with a memorandum from the Office of Environmental Policy and Compliance (ESM00-3, February 24, 2000), at least two copies should be also be provided to a state or local agency that you are working directly with. Such a transmittal should clearly indicate that copies have also been sent to the State Clearinghouse. Periodic connection to an Office of Management and Budget (OMB) website is recommended to update the State Clearinghouse list; the directory is at <http://www.whitehouse.gov/OMB/grants/spoc.html>.

As discussed in section IV.C of H-1790-1 and this Guidebook, a FONSI is often combined with a decision record (DR) for an EA-level analysis, and the EA is typically attached to the FONSI/DR. No matter what level of NEPA documentation is required, all decisions issued for an action must be processed in accordance with program-specific regulations. If an appeal of a decision is received that specifically challenges the adequacy of the EA and/or FONSI, changes to the analysis may be required (see Administrative Reviews in Chapter VIII of this Guidebook).

### ***C. Documentation (Step 4 -- EA, FONSI and DR)***

An EA is intended to be a concise public document which briefly provides sufficient evidence and analysis of impacts for determining whether to prepare an EIS or a FONSI. CEQ has advised agencies to keep EAs to approximately 10-15 pages (“*Forty Most Asked Questions Concerning CEQ’s NEPA Regulations*”).

Minimum CEQ content requirements for an EA are stated at 40 CFR 1508.9(b). They include:

- 1) need for action;
- 2) proposed action and alternatives;
- 3) direct, indirect and cumulative impacts; and
- 4) persons and agencies consulted.

The BLM NEPA Handbook, Chapter IV, includes direction for writing a *combined* EA/FONSI/DR that may be adapted for use in preparing simple and straightforward EAs (H-1790-1, page IV-11 and Illustration 3).

Based on input received during scoping, the approving manager for an action should determine the appropriate format the EA. An outline for the EA should be established as the conclusion of scoping. Use the formatting conventions shown on the next page for required (vs. optional) topics.

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

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### **ENVIRONMENTAL ASSESSMENT OUTLINE**

(Required sections are in **bold type**)

#### **1 -- INTRODUCTION**

Introductory paragraph/ Background (as necessary to understand next sections)

- 1.1 **Need for** {and optional “Purpose of”} **Action**
- 1.2 **Land Use Plan Conformance**
- 1.x Relationship to Other Laws, Policies and Plans

#### **2 -- ALTERNATIVES**

- 2.1 **No Action** (Must be described, but order & detailed analysis is optional)
- 2.2 **Proposed Action**
  - Special Design (or Resource Management) Features (if any)
  - Monitoring (if applicable)
- 2.x Alternatives (if any, name/describe alternative #1, 2 etc.)
- 2.x Alternatives Considered but Eliminated from Detailed Analysis (if any)
- 2.x Summary Comparison

#### **3 -- AFFECTED ENVIRONMENT/ENVIRONMENTAL IMPACTS**

Introductory paragraph (for general setting)

- 3.1 **Critical Elements Not Affected**
- 3.2. **Effects of the Alternatives**
  - 3.2.x {Resource Issue #1, 2, etc.)  
Introductory paragraph describing existing conditions of the affected resource, followed by a comparative analysis of effects of each alternative
- 3.3 **Cumulative Effects** (Required. May refer conclusions from above sections)
- 3.4 Mitigation and Residual Impacts (if applicable)
- 3.x **Monitoring**

#### **4 – CONSULTATION AND COORDINATION**

Option A, if no external scoping or review

- 4.1 **Persons, Groups or Agencies Consulted**
- 4.2 List of Preparers (Recommended)

Option B, if external scoping and/or review

- 4.1 **Persons, Groups or Agencies Consulted**
  - Public Scoping (and Review, if applicable)
  - Coordination with Other Agencies and Tribes (if outside of public scoping)
- 4.2 List of Preparers
- 4.3 Distribution List

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

### **1. Writing an EA**

In addition to the standard outline for an EA on the previous page, Appendix 4b, EA Template, provides additional guidance for use in writing an EA.

A clear and concise purpose and need statement (chapter 1) and description of the proposed action (chapter 2) is critical toward streamlining preparation of an EA, and in documenting the decision for future use in implementing the selected action.

- For actions initiated within BLM, all practical measures to conserve resources and avoid or reduce adverse impacts should be incorporated as part of the proposed action.
- For applicant-driven actions and to reduce the need to develop mitigation recommendations as part of the analysis of effects, all practical measures to avoid or reduce adverse impacts should be agreed to as early as possible in writing, and incorporated as part of the proposed action.

A major EA format change from previous requirements for the Elko Field Office is related to the discussion of the affected environment, which is not required by CEQ for EAs. The previous Guidebook required a chapter of the Affected Environment, separate from the chapter on Environmental Consequences. A combined “Affected Environment/Environmental Effects” chapter (or section) is now preferred. This is to enhance clarity and avoid redundancy. EAs produced with these separate chapters commonly resulted in lengthy discussions that were difficult to recall when reading the impacts analysis.

- Provide just enough information on the affected environment to describe existing (or baseline) conditions associated with the No Action alternative and support the analysis of impacts of the proposed action and any other alternatives.

Another change is for an optional section on “Mitigation and Residual Impacts.” This section is typically not required for EAs on actions proposed by BLM. The mitigation measures described and analyzed by this section should take the form of ‘recommendations. It should be followed by a discussion of any addition “Monitoring” requirements to determine the effectiveness of the measures. Those mitigation measures and associated monitoring activities that the approving official believes to be practical should then be committed to in the decision document.

### **Writing Tips**

All NEPA documents are public documents, and must be written in plain English. All preliminary and final documents shall be edited for proper spelling, sentence structure, and grammar before being circulated for review and approval.

The analysis of impacts should be objective, based on the best information available. Impacts should be quantified whenever possible. The intensity and duration of all impacts must be clearly described. Impacts should be analyzed with the knowledge that special design and resource protection or conservation practices will be employed, and that SOPs and other

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

applicable requirements of law, policy or approved plans will be followed. A clear description of an impact will also help to recommend mitigation measures.

1. Specify cause and effect relationships.
2. Organize the discussion of impacts to various resources in a logical sequence.
3. Fully describe each type of impact. Specify the area, duration, and intensity (magnitude) of each disturbance.
4. Do not discuss negligible impacts.
5. Do not label an impact as “significant,” but do establish significance thresholds whenever possible. Significant impacts trigger the need for preparation of an EIS. Only the authorized officer can make the determination of significance.
6. Analyze positive, as well as detrimental, effects. *Projects must have some beneficial effects or they would not be proposed.* Whenever an action is proposed or designed to benefit or enhance a resource, the degree to which an alternative would achieve the desired result should be discussed.
7. Provide citations for all data sources, scientific studies or guidance documents referred to.
8. The analysis of effects should be technically sound and not contradict other sections of the EA. Any discrepancies must be worked out before the document can be completed.

See Appendix 4b, EA Template, for more tips in writing the analysis of direct, indirect and cumulative effects.

Cumulative Effects –An EA-level analysis should clearly support a FONSI, i.e., “The action is not related to other actions with significant cumulative impacts.” A good source of information for completing an analysis of cumulative effects is BLM’s April 1994 document, “*Guidelines for Assessing and Documenting Cumulative Impacts.*” As stated on page 36:

“Concern over cumulative impacts is frequently one of the critical issues mentioned by the public during scoping, but it is not practical to analyze the impacts of an action on the universe. This list of environmental effects must be narrowed to those that are truly meaningful.”

How best to document cumulative impacts in an EA-level analysis should be determined based on scoping. An EA should clearly identify past, current and reasonably foreseeable future actions pertinent to establishing the baseline and predicting impacts, as part of an affected environment description for a given resource. To avoid redundancy, an analysis of cumulative impacts should build upon existing analyses. See Appendix 4b, EA Template, for additional tips.

### **2. Writing a FONSI**

As defined by CEQ [40 CFR 1508.13]:

*“Finding of no significant impact” means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant*

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*effect on the human environment and for which an environmental impact statement therefore will not be prepared.”*

Because a FONSI exempts an action from requirements to prepare an EIS, it is specifically provided for by CEQ regulations to reduce excessive paperwork and delays.

As discussed on page IV-12 of H-1790-1, a FONSI is a document that briefly states the reasons that a proposed action will not have a significant effect on the human environment and for which, therefore, an EIS will not be prepared (40 CFR 1508.13). If, based on review of an adequate EA, a finding of significant impact cannot be made, an EIS must be prepared.

CEQ regulations also require that a FONSI include an EA, or a summary of it (40 CFR 1508.13).

In writing a FONSI, begin with the following statement:

**Based on the analysis of the {add “attached” if the EA is not summarized} environmental assessment (EA) for the {title of action} (BLM/EK/PL-FYyy/###), I have determined that the {give name of the selected alternative, typically ‘proposed’} action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared.**

In the past, a FONSI issued by the Elko Field Office typically included only this statement. However, CEQ requires that a FONSI shall also:

- note any ‘other’ environmental documents related to it, if any; and
- provide reasons for the finding.

An adequately written EA clearly supports a FONSI. When an EA is lengthy and/or not attached to a FONSI, the reasons for the finding should summarize conclusion from the EA as to intensity of impacts.

One example that used the following statement to preface reasons is the FONSI for development of the California National Historic Trails Interpretive Center (see [Appendix 4c2](#)):

*This finding is based on my consideration of the Council on Environmental Quality’s (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and the intensity of impacts.*

CEQ’s criteria for intensity of impacts are listed below. Note that they also form the basis for evaluating when exceptions apply to categorically excluding an action ([Appendix 2a](#)).

- 1) Impacts that may be both beneficial and adverse.
- 2) The degree to which the proposed action affects public health or safety.
- 3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

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- 5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- 6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- 7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.
- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.
- 9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- 10) Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment.

Another example of a FONSI that succinctly states factors weighed in the determination of non-significance is provided by [Appendix 4c3](#). It is for approval of a gold mining plan, and also serves as a good example of following program-specific direction for a combined FONSI and Decision Record.

### **3. Writing a Decision Record**

NEPA does not impose requirements for documentation of a decision for an EA-level action. As discussed on page IV-6 of H-1790-1, the decision to approve a proposed action may be made after consideration of other (non-environmental) factors and in accordance with program-specific requirements. BLM requires a decision record (DR) be written and recommends that it incorporate the FONSI (H-1790, pages IV-12 and -13).

When writing a combined FONSI/DR, the FONSI should preface the decision.

- Under certain circumstances, the FONSI cannot be combined with the DR. Examples include when an EA and FONSI is issued for public review for a proposed RMP amendment, multiple use decision, or grazing decision. When a proposed or final decision document is issued separately, it should reference the FONSI and EA.

#### **Decision**

The decision should begin with clear identification of the alternative that has been selected.

**"It is my decision to authorize the (name of action alternative, eg. "Proposed Action"), as described in BLM/EK-PL-fyyy/####."**

It is permissible to incorporate the description of the alternative being selected by reference to the EA. However, *there should be no ambiguities regarding what is or is not being approved.* A

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decision document should stand-alone and be clear as to environmental (as well as any other non-environmental) commitments. Do not make reviewers of a DR actually have to read the EA, or other document(s) that are incorporated by reference, to understand what is required to implement the decision.

### **Stipulations** {and/or Special Resource Requirements}

Stipulations are included as part of a use authorization, and must be carefully worded to be enforceable. List (or, if lengthy, summarize and attach or incorporate by reference), any stipulations or special design/resource management features described for the selected alternative.

*>If the decision is to authorize a use by an applicant, include the following:*

**"This decision is contingent on meeting all stipulations and monitoring requirements as described for the {name of the selected alternative} in the environmental assessment."**

Separately list any mitigation measures any mitigation measures described in an EA that are committed to as a condition of approval.

*>If the decision also 'commits' to implement mitigation measures that are discussed in environmental consequences section of an EA, add:*

**My decision is further conditioned upon implementation of the following mitigation (and monitoring, if applicable) measures, as discussed in the environmental assessment and listed below."**

- List by resource of concern. For example, cultural resources, Native American sacred and/or burial sites, sensitive sage grouse/habitat, crucial deer winter range, visual resources, etc.

### **Monitoring**

Finally, list any monitoring requirements, as described for the proposed action, or as mitigation in the EA that is committed to in the decision.

- *Writing Tip:* Remember to reword all stipulations and monitoring *requirements* from an EA, to replace 'would' with "will" or 'should' with 'shall,' etc.

### **Rationale**

This section should explain why the decision was made. Incorporate the finding of no significant impact as one of the factors that was considered in making the decision. For example:

1. State that this decision would meet the need for action, and the degree to which it is expected to meet a purpose or objective.
2. State that the action is in conformance with the applicable land use plan, i.e., the named RMP/Amendment.
3. Discuss how the decision meets any other resource management or protection objectives or requirements. If applicable, add that it is also consistent with other Federal, State and local policies or plans to the maximum extent possible.

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

- If pertinent, reference any discussion in an EA of the “Relationship to other Laws, Policies or Plans” and/or “Agencies Consulted.”
- 4. State if, *The selected action has been designed to incorporate features to prevent undue environmental degradation or harm.*” If applicable, add that: *This decision includes all practical measures to conserve and protect resources in the interest of the public.*”
  - If a FONSI is not combined with the DR, add “*This action has been determined to have no significant impact on the human environment*” (and cite the NEPA Register No.)
- 5. Explain why the No Action alternative was not selected (e.g., that it would fail to meet the need for action, or cause BLM to not meet its responsibilities under a law or regulation.)
- 6. If applicable, also explain why any other alternative(s) considered was (were) not selected.
- 7. If controversial, explain why any mitigation and associated monitoring measure(s), as discussed in the environmental consequences section of the EA, is (are) not required.

### **Public Involvement**

A decision record should also summarize the results of any public involvement activities.

- If the “Consultation and Coordination” section of the EA includes a discussion of public scoping and coordination with applicants, affected parties and other agencies, refer to it.
- Indicate if a separate report of public scoping results is available.
- If the decision follows issuance of an EA/FONSI that was subject to public or agency review, the decision document should briefly discuss how any substantive comments were considered.

### **Approval and Implementation Date**

Specify the effective date for implementation of the selected action. Also indicate if the decision is subject to appeal and administrative review, and cite program-specific requirements. **The FONSI and DR must be signed and dated by a manager authorized to approve the action.**

### ***D. Third-Party Generated EAs***

Some guidance for the preparation of NEPA analysis documents by a contractor is provided by the BLM NEPA Handbook, H-1790-1, Appendix 7. The following provides additional guidelines for initiation, preparation, review and approval of third-party generated EAs.

There are 3 options for preparing environmental documents by a third party. Options depend on the type of action and level of NEPA documentation. [References: H-1790-1, Appendix 7 and *Overview of BLM’s NEPA Process*, pages 24-25 and Appendix 3].

**Option 1: NEPA Documents Supplied by an Applicant** – This option is commonly used for EAs, but is not currently discussed by the BLM NEPA Handbook. The recently revised Departmental Manual provides for ‘adoption’ of EAs or EISs when submitted by an applicant. In this option, the project proponent is responsible for preparing an EA for submission with an application. It should typically be used for routine actions for which

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no significant impacts are anticipated by BLM, based on initial discussions for a proposal with the project proponent. The applicant may write the EA themselves, or chose an environmental consultant. BLM must conduct an independent review of the document to ensure NEPA adequacy. The BLM assumes responsibility for its scope or content.

**Option 2: Third Party Contract** – This option is useful when BLM cannot prepare a required NEPA analysis (EISs or sensitive EAs) due to time, budget, or other limitation, or when either BLM or an applicant requests a contractor be hired to prepare an EA or EIS. To establish roles and address any cost reimbursement aspects of the project (43 CFR 2808.3-1 and 2883.1-1; DM 516 4.3 B; BLM MS 1323], develop a memorandum of understanding (MOU) with the applicant (and any cooperating agencies). By signing the MOU, the applicant states its willingness to finance the NEPA portion of the project. BLM selects and supervises an environmental contractor and approves all work, but the project proponent pays the contractor. The contractor must have no financial or other interest in the outcome of the project [40 CFR 1506.5]. A financial disclosure statement is required, and should be included in the project file. Federal procurement requirements do not apply, because BLM incurs no obligations or costs under the contract, and procures nothing.

**Option 3: BLM Contract with Environmental Consultant** – Use of this option for internally proposed actions is increasing (especially for RMP revisions or amendments). BLM contracts with an environmental consultant must follow federal procurement requirements. A financial disclosure statement, as discussed above for third party contracts, must be filed throughout the life of the project. See BLM Handbook H-1510-6 for detailed guidance on competitive procurement procedures. Time is needed to budget funding to pay the contractor and to complete the competitive bidding process. BLM's project manager, also referred to as the contracting officer's representative (COR), is responsible for informing the Contractor of all NEPA compliance requirements, including those for public involvement.

An applicant or project proponent should contact the responsible official (Field Manager or Assistant Field Manger) as soon as possible when they are contemplating preparation of a third-party EA. If third-party preparation of an EA is not properly guided, BLM review times may be extremely time consuming. *Provide BLM H-1790-1 and this Guidebook to third-party preparers of an EA for the Elko Field Office.*

In each of the above options, BLM is responsible for the scope and content of the analysis. The responsible manager should appoint a "Project Manager" with enough authority to represent BLM with the contractor and/or proponent preparing the NEPA analysis. *Although technically the "preparer" of an EA that is supplied by a proponent or applicant under option 1 is not a "Contractor," they are referred to as such by the following discussion.* This is to avoid confusion with the mix of BLM and non-BLM specialists on the "List of Preparers" in an EA.

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## **Chapter IV – PREPARING ENVIRONMENTAL ASSESSMENTS**

Processing by a Contractor should be much the same as with an internally prepared document. The BLM Lead (or Project Manager) is responsible for coordinating all communication with the Contractor's Project Manager. Additional responsibilities from those of a Project Lead for internally generated documents include:

1. Provide the Contractor with a copy of the BLM Handbook (H-1790-1), this Field Office NEPA Guidebook, and any applicable program-specific guidance to the Contractor.
2. Initiate and maintain the project file for the action, to include records for administrative reviews, public scoping and/or review activities, and contract administration.
3. Advise the Contractor of all BLM specialists assigned to the interdisciplinary team, and obtain a list of all of the Contractor's specialists to be included in the "List of Preparers."
4. Coordinate all public involvement activities, to initially include scoping. (BLM should still initiate and maintain a project mailing list to include all affected interests.)
5. Coordinate meetings and reviews. Require that all team members submit records of all contacts for inclusion in the project file.
6. If a third party contract, develop a MOU as discussed above for this option.
7. Coordinate administrative reviews of preliminary documents. Compile all review comments and provide clear direction for revision, as approved by the responsible official, to the Contractor.
8. Based on the EA, draft and process any associated decision document (FONSI/DR or ROD, permit authorization, etc.) for approval by the responsible official.
9. Ensure a **Title Cover Page** is provided that meets publication standards for an EA. *See Appendix 4d for an example.* Because an EA is a BLM document, no private advertising or logos is allowed.
10. Oversee any public review, if required. Provide direction for revision of the document based on consideration of comments received.
11. Oversee printing and distribution of documents (printing by the Contractor may be required). Ensure program-specific public notification requirements are met.
12. Coordinate resolution of any challenge to the decision as it pertains to the adequacy of the NEPA compliance documentation for the action.

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## **ChapterS V, VI, and VII**

### **Chapter V – PREPARING ENVIRONMENTAL IMPACT STATEMENTS**

*Follow instructions from the BLM NEPA Handbook (H-7190-1).*

### **Chapter VI – MONITORING**

*Follow instructions from the BLM NEPA Handbook (H-7190-1).*

### **Chapter VII – REVIEWING OTHER AGENCY ENVIRONMENTAL DOCUMENTS**

*Follow instructions from the BLM NEPA Handbook (H-7190-1).*

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## **ChapterS V, VI, and VII**

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## **Chapter VIII -- ADMINISTRATIVE PROCEDURES**

The steps to NEPA compliance documentation, as outlined by this Elko Field Office Guidebook, are intended to result in an action being planned to incorporate all reasonable environmental design and protection features. It focuses on preparation of legally sufficient analysis that is easily understood by the public. An EA-level analysis must support a “finding of no significant impact” to the human environment. If not, NEPA requires preparation of an EIS before a needed action may be taken. Flaws in the NEPA analysis can be used as arguments in a challenge to a decision. Maintenance of a complete administrative record that is readily available for review is important for avoiding delays in the implementation of any action that is subject to NEPA.

### ***A. Contracting Guidance***

As discussed in Chapter IV, section D, of this Guidebook, CEQ regulations give BLM and other agencies authority to use environmental contractors for preparing all or parts of NEPA analysis documents for the BLM. BLM is responsible for the scope and content of third party generated NEPA documents [40 CFR 1506.5(c)].

Third-party preparers are commonly hired by applicants or proponents to expedite the NEPA process. Third-party generated NEPA analysis documents should save the BLM time and money, but only if properly guided. Guidance discussed in Chapter IV, section D of this Guidebook is applicable to preparation of an EA or EIS. It is important for a project manager to maintain the project file, to include records of all activities associated with coordination with applicants and for guiding preparation of a NEPA document by a third party.

Note that it is only a NEPA *analysis* document (EA or EIS) that may be prepared by a third-party. It is not appropriate for a third party to complete a CX Review or DNA Worksheet for BLM. However, it may be appropriate for a third party to complete a review of existing EAs and EISs against the 7 criteria discussed in Chapter III, for purposes of gathering information that is available for incorporation by reference to streamline preparation of an EA or EIS. Decision documents also should not be prepared by a third-party. BLM is responsible for review of the analysis and preparation a Record of Decision for an EIS, and of a Finding of No Significant Impact (which may be combined with a Decision Record) in the case of an EA.

### ***B. Program Specific Requirements***

Throughout this NEPA Guidebook, the importance of following ‘program-specific direction’ has been emphasized as it relates to the BLM planning and decision-making process. The following is a partial list of regulations that apply to a particular application for use of public land. Other regulations that are not listed are applicable across a broad range of Federal programs (e.g., Protection of Historic and Cultural Programs--36 CFR part 800).

- (1) Resource Management Planning--43 CFR 1610
- (2) Withdrawals---43 CFR 2300

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## **Chapter VIII -- ADMINISTRATIVE PROCEDURES**

- (3) Land Classification--43 CFR 2400
- (4) Disposition: Occupancy and Use--43 CFR 2500
- (5) Disposition: Grants--43 CFR 2600
- (6) Disposition: Sales--43 CFR 2700
- (7) Use: Rights-of-Way--43 CFR 2800
- (8) Use: Leases and Permits--43 CFR 2900
- (9) Oil and Gas Leasing--43 CFR 3100
- (10) Geothermal Resources Leasing--43 CFR 3200
- (11) Coal Management--43 CFR 3400
- (12) Leasing of Solid Minerals Other than Coal/Oil Shale--43 CFR 3500
- (13) Mineral Materials Disposal--43 CFR 3600
- (14) Mining Claims Under the General Mining Laws--43 CFR 3800
- (15) Grazing Administration--43 CFR 4100
- (16) Wild Free-Roaming Horse and Burro Management--43 CFR 4700
- (17) Forest Management--43 CFR 5000
- (18) Wildlife Management--43 CFR 6000
- (19) Recreation Management--43 CFR 8300

### ***C. Integration with Other Laws and Policies***

The CEQ Regulations suggest that federal agencies integrate the requirements of NEPA with other planning, environmental review and decision-making procedures required by law or by agency practice. This is so that all such processes run concurrently rather than consecutively.

#### **Integration of NEPA and Land Use Plans**

Title II of FLPMA requires that BLM develop, maintain and, when appropriate, revise land use plans that provide for the use of the public lands. Regulations found in 43 CFR Part 1600 and the BLM Land Use Planning Handbook (H-1601-1) incorporate NEPA into BLM's planning process, thus meeting the mandates of both NEPA and FLPMA. All proposed BLM actions (other than RMP revisions or amendments) must conform to an approved land use plan. Conformance means that a proposed action is specifically provided for in an approved RMP, or if not specifically mentioned, must be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment (43 CFR 1601.0-5(b)). Requirements for including a Land Use Plan Conformance statement in CX, DNA or EA is discussed as Step 2 in chapters I, II, III and IV of this Guidebook.

#### **Integration with other Environmental Review Procedures**

RESERVED - To be written. (Endangered Species Act, National Historic Preservation Act).

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## **Chapter VIII -- ADMINISTRATIVE PROCEDURES**

### ***D. Recordkeeping***

RESERVED – To be written. (Elko Field Office NEPA Register, administrative record-keeping, and filing procedures.)

### ***E. Administrative Reviews***

As discussed for each level of NEPA review and documentation, *it is the decision for an action under consideration by a NEPA analysis document that is subject to challenge and review, not the NEPA analysis document.* However, flaws in the NEPA analysis can and will be used as arguments in a challenge to the decision. A decision under NEPA must be upheld if the agency conducts a “reasoned evaluation” of environmental factors.

One avenue for legally challenging a decision of any federal agency is to file a suit for not meeting the “arbitrary and capricious” standard of the Administrative Procedures Act [4 U.S.C. section 706(2)(A)]. FLPMA and other laws also provide for “administrative reviews” of decisions affecting public lands administered by the BLM. Program specific regulations, as listed in section C above, provide instructions for filing a “protest” or “appeal.” It is important that the administrative record include documents for compliance with NEPA and that it be readily available for review and remedy as a decision is issued.

Various types of BLM actions are subject to differing administrative review procedures and remedies. A recent instructional memorandum from the Washington Office (IM 2004-079, Attachment 1) provides (a) a discussion of two types of decisions (land use planning vs. implementation decisions), and (b) a basis for understanding the framework in which the public may protest and/or appeal these types of decisions and seek an administrative remedy. This Guidebook is generally pertinent to completing EAs to support the second type of decision, which allow on-the-ground actions that are in conformance with an approved RMP to proceed. Such actions may be subject to review by the Office of Hearings and Appeals and Interior Board of Land Appeals.

- For an EIS, NEPA requires the decision be formalized in a separate document (a ROD). Content and format requirements are found in H-1790-1, pages V-22 and -23.
- As discussed in Chapter IV of H-1790-1 and this Guidebook, when an EA-level analysis supports a “Finding of No Significant Impact,” BLM requires a “Decision Record” be written. These two documents are often combined.
- In the case of a DNA, BLM also requires that the approval of the proposed action be recorded by a separate decision document (Washington Office IM 2001-062).
- As discussed in Chapter II, recent CEQ guidance for completion of a “Decision Memorandum” is specific to use of two new Departmental categorical exclusions for hazardous fuel reduction and burned area rehabilitation actions.

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## **Chapter VIII -- ADMINISTRATIVE PROCEDURES**

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**Elko Field Office NEPA Guidebook, July 2004**

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## PROPOSAL SCREENING WORKSHEET

Title: \_\_\_\_\_

Date: \_\_\_\_\_ Prepared by (Project Lead): \_\_\_\_\_

### 1. PROJECT PRIORITY AND BUDGET DATA

Applicant/Cooperator (if any): \_\_\_\_\_

Subactivity/Program Element & Project Funding Codes \_\_\_\_\_

Priority Ranking: \_\_\_\_\_ Benefiting Activity #s (eg., acres, miles): \_\_\_\_\_

Budget Estimates: Planning (wm/FY; \$/FY) \_\_\_\_\_ Implement (\$/FY) \_\_\_\_\_

Subject Code & Case File #: \_\_\_\_\_ (get JDR # after a proposal is approved)

### 2. NEPA PROJECT & PLANNING SCHEDULE DATA

Location: Allotment or Area Name; T. ? N., R. ? S., section(s) ?

Description – BRIEFLY: Who is proposing what? Why (Purpose & Need)? When? Where? (Attach map(s) and, if needed, a more detailed “**Project Description**”)

### 3. LUP CONFORMANCE

Which RMP covers the action? [ ☐ ] Wells RMP (7/16/1985) or [ ☐ ] Elko RMP (3/11/1987).

Name/date of RMP Amendment and/or Activity Plan \_\_\_\_\_

### 4. PRELIMINARY SURVEY/DESIGN NEEDS (Engineering, Cultural, Water, Biological...)

### 5. EXISTING NEPA ANALYSIS (To provide for review if DNA or EA; Name & Logbook #):

\*\*\*\*\**This section to be completed by the responsible manager*\*\*\*\*\*

6. NEPA DOCUMENTATION: [ ☐ ] CX [ ☐ ] DNA [ ☐ ] EA [ ☐ ] EIS

(See attached CX Review, DNA Worksheet, or EA Scoping Record)

### 7. PUBLIC, AGENCY or TRIBAL SCOPING/COORDINATION NEEDS (if any):

### 8. SCHEDULE & BUDGET DIRECTION (FY qtr, mo, or season. Any \$ or wm limitations?)

- Internal/Public Scoping:
- Issue NEPA Document/Decision:
- Implementation:

\_\_\_\_\_  
Approving Manager (Title)

\_\_\_\_\_  
Date

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UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ELKO FIELD OFFICE  
**CATEGORICAL EXCLUSION REVIEW & APPROVAL**

**Title of Proposed Action:** \_\_\_\_\_  
**NEPA Register #:** BLM/EK/CX-\_\_\_\_\_/\_\_\_\_\_  
**Name of Preparer:** \_\_\_\_\_  
**Applicant (if any):** \_\_\_\_\_  
**Location (Attach Project Map):** \_\_\_\_\_

**LUP Conformance Review:** This action conforms to the following resource management plan:  
 [ ☐ ] **Wells RMP**, approved July 16, 1985    [ ☐ ] **Elko RMP**, approved March 11, 1987  
 It is consistent with the direction for {cite name of the issue/decision. *If applicable, add the name of an approved RMP Amendment with its approval date.*}.

**Description of Proposed Action:** *(If more space is needed, reference and attach a more detailed description with environmental design features, legal description and the project map.)*

**CX Review:** The action qualifies as a CX under 516 DM 2, Appendix 1, #\_\_\_\_\_, or 516 DM 6, Appendix 5.4, #\_\_\_\_\_. This CX is for: “{Cite text. See NEPA Guidebook, Appendix 2a2.}.”

**Screening for Extraordinary Circumstances:** The following exceptions (extraordinary circumstances) apply to individual actions within the CX, as listed in 516 DM 2, Appendix 2.

<b>The Preparer or indicated specialist verifies that the proposed action does not:</b>	<b>Reviewer/Initials</b>
2.1 Have significant impacts on public health or safety.	Preparer _____
2.2 Have significant impacts on such natural resources and unique geographic characteristics as: • historic or cultural resources;..... • park, recreation or refuge lands; wilderness areas, wild or scenic rivers; natural national landmarks; national monuments;..... • migratory birds;..... • sole or principal drinking water aquifers, prime farmlands, wetlands (Executive Order 11990), floodplains (Executive Order 11998);..... and other ecologically significant or critical areas.....	Archeologist _____ Recreation Specialist _____ Biologist _____ Hydrologist or Soil Scientist _____ Preparer _____
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].	Preparer _____
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	Preparer _____
2.5 Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.	Preparer _____

## **CATEGORICAL EXCLUSION REVIEW & APPROVAL, cont.**

<b>The Preparer or indicated specialist verifies that the proposed action <u>does not</u>:</b>	<b>Reviewer/Initials</b>
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	Preparer _____
2.7 Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places.	Archeologist _____
2.8 Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.	Biologist _____
2.9 Threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment.	Preparer _____
2.10 Have the potential for a disproportionately high and adverse effect on low income or minority populations [Executive Order 12898, Environmental Justice].	Preparer _____
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007 - Sacred Sites).	Native American Coordinator _____
2.12 Significantly contribute to the introduction, continued existence, or spread of noxious or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species [Federal Noxious Weed Control Act and Executive Order 13112 - Non-Native Invasive Species].	Weed Specialist _____

**Other Resource Issues/Reviewers Comments** - As required by the Authorized Official. For example: comments for the management of Visual Resources, Wildlife/Habitat (including Crucial Big Game Habitat or Special Status Species); Wild Horses; Grazing; Mining; Fluid Minerals, Lands/Realty:

<b>Resource/Comment</b>	<b>Reviewer</b>	<b>Initials</b>

**RMP conformance & CX Review Confirmation:** P&EC Initials \_\_\_\_\_ Date: \_\_\_\_\_

**Conclusion:** *Based upon this review, I have determined that the proposed action, as described, is in conformance with the land use plan and meets criteria for the selected categorical exclusion. Therefore, the action is excluded from further environmental analysis and documentation.*

Approved By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_ Date

### ***Attachment(s)***

Project Description/Map

## **CATEGORICAL EXCLUSIONS – DOI LIST**

### **The Department's Categorically Excluded Actions (Update for H-1790-1, Appendix 3)**

*Note: In case of errors or discrepancies in the following material, wording from the Departmental Manual takes precedence.*

- *This Department of the Interior (DOI) CX list has been taken from the Departmental Manual (516 DM), as published in the Federal Register on March 8, 2004. The procedures are final and will be made available to the public on the Electronic Library of Interior Policies (ELIPS) at [elips.doi.gov](http://elips.doi.gov). It should also be available for internal use from:*  
[http://web.blm.gov/internal/wo-200/wo-210/doi\\_blm\\_cx.html](http://web.blm.gov/internal/wo-200/wo-210/doi_blm_cx.html).
- *This updated DOI CX list includes two new categories for hazardous fuels reduction (1.12) and burned area rehabilitation (1.13) actions, as published in the Federal Register on June 5, 2003.*

### **Part A – Departmental Categorical Exclusions (516 DM 2, Appendix 1)**

The following actions are categorical exclusions (CX) pursuant to 516 DM 2.3A(2). However, environmental documents will be prepared for individual actions within these CXs if the exceptions listed in 516 DM 2, Appendix 2, apply.

- 1.1 Personnel actions and investigations and personnel services contracts.
- 1.2 Internal organizational changes and facility and office reductions and closing.
- 1.3 Routine financial transactions including such things as salaries and expenses, procurement contracts 'in accordance with applicable procedures for sustainable or "green" procurement), guarantees, financial assistance, income transfers, audits, fees, bonds and royalties.
- 1.4 Departmental legal activities Law enforcement and legal transactions, including, but not limited to, such things as arrests, investigations, patents, claims, legal opinions,. This does not include bringing and judicial or administrative civil or criminal enforcement action which are already excluded in 40 CFR 1508.18(a).
- 1.5. Reserved (*Note: CX 1.5 was for regulatory and enforcement actions. It has been deleted from the DOI list due to the exclusion provided by 40 CFR 1508.18(a), as noted by revisions to CX 1.4.activities including their initiation , processing, settlement, appeal or compliance.*
- 1.6 Non-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities.
- 1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance and replacement activities having limited context and intensity; e.g., limited size and magnitude or short-term effects.
- 1.8 Management, formulation, allocation, transfer and reprogramming of the Department=s budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)
- 1.9 Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.
- 1.10 Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case.
- 1.11 Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public.
- 1.12 Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities: Shall be limited to areas (1) in wildland-

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## **CATEGORICAL EXCLUSIONS – DOI LIST**

urban interface and (2) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside of the wildland-urban interface; Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan;” Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructures; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction.

- 1.13 Post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management approved conditions from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities: Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and Shall be completed within three years following a wildland fire.

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## **CATEGORICAL EXCLUSIONS – BLM LIST**

### **BLM's Categorically Excluded Actions** (Update for H-1790-1, Appendix 3)

*Note: In case of errors or discrepancies in the following material, wording from the Departmental Manual (516 DM) takes precedence. The following BLM CX list is as the manual was published in the Federal Register on March 21, 1992 and effective on 5/19/92.*

#### **Part B – BLM Categorical Exclusions (516 DM 6, Appendix 5)**

- *Changes to the Departmental Manual at 516 DM 2.3A(2), as published in the Federal Register on March 5, 2004, provides for the incorporation of BLM's CX list in 516 DM Chapter 11 (instead of Chapter 6, Appendix 5, section 5.4.)*

#### **5.4 Categorical Exclusions**

The Departmental Manual [516 DM 2.3A(3) & Appendix 2] requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS. When no exceptions apply, the following types of Bureau actions normally do not require the preparation of an EA or EIS:

- *A change in terminology in 516 DM 2 may result in changes to the above wording in BLM's chapter of the Departmental NEPA Manual. What was previously referred to 'exceptions' to the following categorical exclusions are now referred to as "extraordinary circumstances." When extraordinary circumstances exist for an action, preparation of an EA or EIS is required.*

#### **A. Fish and Wildlife**

- (1) Modification of existing fences to provide improved wildlife ingress and egress.
- (2) Minor modification of water developments to improve or facilitate wildlife use (e.g. modify enclosure fence, install flood valve or reduce ramp access angle).
- (3) Construction of perches, nesting platforms, islands and similar structures for wildlife use.
- (4) Temporary emergency feeding of wildlife during periods of extreme adverse weather conditions.
- (5) Routine augmentations such as fish stocking, providing no new species are introduced.
- (6) Relocation of nuisance or depredating wildlife, providing the relocation does not introduce new species into the ecosystem.
- (7) Installation of devices on existing facilities to protect animal life such as raptor electrocution prevention devices.

#### **B. Fluid Minerals**

- (1) Issuance of future interest leases under the Mineral Leasing Act of Acquired Lands where the subject lands are already in production.
- (2) Approval of mineral lease adjustments and transfers, including assignments and subleases.
- (3) Approval of minor modifications or minor variances from activities described in approved development/production plans (e.g. the approved plan identifies no new surface disturbance outside the area already identified to be disturbed).
- (4) Approval of unitization agreements, communitization agreements, drainage agreements, underground gas storage agreements, compensatory royalty agreements, or development contracts.

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## **CATEGORICAL EXCLUSIONS – BLM LIST**

- (5) Approval of suspension of operations, *force majeure* suspensions, and suspensions of operations and production.
- (6) Approval of royalty determinations such as royalty rate reductions.

### ***C. Forestry***

- (1) Land cultivation and silvicultural activities (excluding herbicides) in forest tree nurseries, seed orchards, and progeny test sites.
- (2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.
- (3) Seeding or reforestation of timber sales or burn areas where no chaining is done, no pesticides are used and there is no conversion of timber type or conversion of nonforest to forest land. Specific reforestation activities covered include: seeding and seedling plantings, shading, tubing (browse protection), paper mulching, bud caps, ravel protection, application of non-toxic big game repellent, spot scalping, rodent trapping, fertilization of seed trees, fence construction around out-planting sites, and collection of pollen, scions and cones.
- (4) Precommercial thinning and brush control using small mechanical devices.
- (5) Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products ferns, boughs, etc.) cones, seeds and personal use firewood.

### ***D. Rangeland Management***

- (1) Approval of transfers of grazing preference.
- (2) Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.
- (3) Temporary emergency feeding of livestock or wild horses and burros during periods of extreme adverse weather conditions.
- (4) Removal of wild horses or burros from private lands at the request of the landowner.
- (5) Processing (transporting, sorting, providing veterinary care to, vaccinating, testing for communicable diseases, training, gelding, marketing, maintaining, feeding, and trimming of hooves of) excess wild horses and burros.
- (6) Approval of the adoption of healthy excess wild horses and burros.
- (7) Actions required to ensure compliance with the terms of Private Maintenance and Care Agreements.
- (8) Issuance of title to adopted wild horses and burros.
- (9) Destroying old, sick, and lame wild horses and burros as an act of mercy.

### ***E. Realty***

- (1) Withdrawal extensions to modifications which only establish a new time period and entail no change in segregative effect or use.
- (2) Withdrawal revocations, terminations, extensions or modifications and classification terminations or modifications which do not result in lands being opened or closed to the general land laws or to the mining or mineral leasing laws.
- (3) Withdrawal revocations, terminations, extensions, to modifications, classification terminations or modifications, or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).

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## **CATEGORICAL EXCLUSIONS – BLM LIST**

- (4) Administrative conveyances from the Federal Aviation Administration (FAA) to the State of Alaska to accommodate airports on lands appropriated by the FAA prior to the enactment of the Alaska Statehood Act.
- (5) Actions taken in conveying mineral interest, where there are no known mineral values in the land, under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).
- (6) Resolution of class one color-of-title cases.
- (7) Issuance of recordable disclaimers of interest under section 315 of FLPMA.
- (8) Corrections of patents and other conveyance documents under section 315 of FLPMA and other applicable statutes.
- (9) Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.
- (10) Transfer or conversion of leases, permits, or rights-of-way from one agency to another (e.g., conversion of Forest Service permits to a BLM Title V right-of-way).
- (11) Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA section 302(b) leases where no new facilities or other changes are needed.
- (12) Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.
- (13) Amendments to existing rights-of-way such as the upgrading of existing facilities which entail no additional disturbances outside the rights-of-way boundary.
- (14) Grants of rights-of-way for an overhead line (no pole or tower on BLM land) crossing over a corner of public land.
- (15) Transfer of land or interest in land to or from other Bureaus or Federal Agencies where current management will continue and future changes in management will be subject to the NEPA process.
- (16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.
- (17) Grant of a short right-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.
- (18) Temporary placement of a pipeline above ground.
- (19) Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.
- (20) One-time issuance of short-term (3 years or less) rights-of-way or land use authorizations which authorize trespass action where no new use or construction is allowed, and where the proposal includes rehabilitation to restore the land to its natural or original condition.

### ***F. Solid Minerals***

- (1) Issuance of future interest leases under the Mineral Leasing Act for Acquired Lands where the subject lands are already in production.
- (2) Approval of mineral lease readjustments, renewals and transfers, including assignments and subleases.
- (3) Approval of suspensions of operations, *force majeure* suspension, and suspension of operations and production.
- (4) Approval of royalty determinations such as royalty rate reduction and operations reporting procedures.
- (5) Determination and designation of logical mining units (LMUS).
- (6) Findings of completeness furnished to the Office of Surface Mining Reclamation and Enforcement for Resource Recovery and Protection Plans.

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## **CATEGORICAL EXCLUSIONS – BLM LIST**

- (7) Approval of minor modifications to or minor variances from activities described in an approved exploration plan for leasable, salable and locatable minerals (e.g. the approved plan identifies no new surface disturbance outside the areas already identified to be disturbed).
- (8) Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan for leasable minerals (e.g. change in mining sequence or timing).
- (9) Digging of exploratory trenches for mineral materials, except in riparian areas.
- (10) Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

### ***G. Transportation Signs***

- (1) Placing existing roads in any transportation plan when no new construction or upgrading is needed.
- (2) Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on or adjacent to existing roads.
- (3) Temporary closure of roads.
- (4) Placement of recreational, special designation or information signs, visitor registers, kiosks and portable sanitation devices.

### ***H. Other***

- (1) Maintaining plans in accordance with 43 CFR 1610.5-4.
- (2) Acquisition of existing water developments (e.g. wells and springs) on public land.
- (3) Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included is siting, construction, installation and /or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samplers.
- (4) Use of small sites for temporary field work camps where the sites will be restored to their natural or original condition within the same work season.
- (5) Issuance of special recreation permits to individuals or organized groups for search and rescue training, orienteering or similar activities and for dog trials, endurance horse races or similar minor events.
- (6) A single trip in a one month period to data collection or observation sites.
- (7) Construction of snow fences for safety purposes or to accumulate snow for small water facilities.
- (8) Installation of minor devices to protect human life (e.g. grates across mines).
- (9) Construction of small protective enclosures including those to protect reservoirs and springs and those to protect small study areas.
- (10) Removal of structures and materials of nonhistorical value, such as abandoned automobiles, fences and buildings, including those built in trespass, and reclamation of the site when little or no surface disturbance is involved.
- (11) Actions where BLM has concurrence or coapproval with another DOI agency and the action is categorically excluded for that DOI agency.
- (12) Rendering formal classification of lands as to their mineral character and waterpower and water storage values.

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*Note: Use of this template is required with application of Departmental CX 1.12 of the recently revised Departmental NEPA manual, 516 DM 2, Appendix 1. It is adapted from PEP-ESM 03-2, from the Office of Environmental Policy and Compliance. See also WO IM-2003-062.*

United States Department of the Interior  
Bureau of Land Management  
Elko Field Office  
*{insert name of County(s) where project would occur}*, Nevada

**Decision Memorandum**  
**[Hazardous Fuels Project Name]**  
**(Project File Code)**

**Purpose and Need for Action**

The Bureau of Land Management (BLM), Elko Field Office, proposes to *{insert a brief description of the action (what). Add where, to include the county(ies) in northeastern Nevada.}* This action is needed to reduce hazardous fuel loads. *(Briefly state the purpose of the action, with reference to the desired fire regime/condition class. Specify any applicable statutory citations. Identify any other agency involvement. Specify season(s), year(s) when the proposed treatment would be applied. Attachment 1 provides a more detailed project description and map. {Note: This description should include a legal description, as well as specify methods and timeframes for implementation, special (environmental) design features, and any project monitoring requirements.}*

**Plan Conformance**

The proposed action conforms to the *{Elko or Wells}* Resource Management Plan (RMP), to include its amendment for fire management as *{>if RMP fire management amendment not yet approved...}* proposed on October 14, 2003. *>if RMP fire amendment has been approved...}* approved on *{insert date when DR signed}*. The action is consistent with the January 2001 review and update of the 1995 Federal Wildland Fire Management Policy, and has been designed consistent with current BLM standards and to incorporate appropriate guidelines for desired conditions relevant to project activities. The project would not have adverse effects on any species listed or proposed for listing as threatened or endangered, or any designated or proposed critical habitat, under the Endangered Species Act. The project would not result in adverse effects to any properties listed or eligible for listing on the National Register of Historic Places. The proposed action is consistent with other Federal, state and local policies and plans to the maximum extent possible.

**Compliance with the National Environmental Policy Act (NEPA)**

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM 2, Appendix 1, 1.12. This exclusion is for hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Application of this categorical exclusion is appropriate in this situation. The proposed hazardous fuels reduction project would treat *{insert #}* acres of land in Fire Condition Class *{2 or 3 as applicable}*. The area to be treated is not located in a wilderness study area. Treatment does not include use of any herbicide or pesticide or construction of any permanent roads or other infrastructure. I have reviewed the project against the exceptions in 516 DM2, Appendix 2

(BLM/EK/CX-200#/###), and have determined that there are no extraordinary circumstances that would require preparation of an environmental analysis.

### **Persons and Agencies Consulted**

*[Explain how the public was made aware of the proposed activity.]*

*[Identify people and agencies consulted and steps taken based on the consultation.]*

### **Decision and Rationale**

I have decided to implement the proposed action, as described, because:

1. The project will meet the need for reducing wildfire risks to human life and property {and/or} to ecosystem integrity.
2. The action conforms with the applicable RMP and is consistent with current BLM and Departmental policies and procedures.
3. The project has been planned to incorporate environmental design features and monitoring requirements. There are no extraordinary circumstances having significant effects that would require further environmental analysis.

### **Approval and Implementation Date**

This project is approved for implementation beginning {insert date}, subject to the conditions as specified in the attached project description. >If a FFE decision ADD:< This decision is placed in full force and effect under the authority of 43 CFR 4190.1(a).

---

**JOE FREELAND**

Fire Management Officer

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Date

### **Administrative Review or Appeal**

This decision is subject to administrative appeal. Within 30 days of receipt of this decision, parties who are adversely affected and believe it is incorrect have the right to appeal to the Department of the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. Appellants must follow procedures outlined in the form, "Information on Taking Appeals to the Board of Land Appeals." An appeal should be in writing and specify the reasons, clearly and concisely, as to why the decision is in error. Appellants are requested to supply this office with a copy of the Statement of Reasons.

Also within 30 days of receipt of this decision, appellants have a right to file a petition for stay (suspension) of the decision together with an appeal, in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the attached form. The appellant has the burden of proof to demonstrate that a stay should be granted.

### **Contact**

For additional information concerning this decision contact (*project lead name, and title*) at the BLM Elko Field Office; 3900 East Idaho Street, Elko NV, 89801; telephone 775-753-0200.

### Attachment(s)

Project Description and Map

*Note: Use of this template is required with application of Departmental CX 1.13 of the recently revised Departmental NEPA manual, 516 DM 2, Appendix 1. It is adapted from PEP-ESM 03-2, from the Office of Environmental Policy and Compliance. See also WO IM-2003-062.*

United States Department of the Interior  
Bureau of Land Management  
Elko Field Office  
*{insert name of County(s) where project would occur}, Nevada*

**Decision Memorandum**  
**[Fire Rehabilitation Project Name]**  
**(Project File Code)**

**Purpose and Need for Action**

The Bureau of Land Management (BLM), Elko Field Office, proposes to *{insert a brief description of the action (what). Add where, to include the county(ies) in northeastern Nevada.}* This action is needed to restore lands burned by the *(insert wildfire name)*. *{Briefly state the purpose of the action. Specify any applicable statutory citations. Identify any other agency involvement Specify season(s), year(s) when the proposed treatment would be applied.}* Attachment 1 provides a more detailed project description and map. *{Note: This description should include a legal description, as well as specify methods and timeframes for implementation, special (environmental) design features, and any project monitoring requirements.}*

**Plan Conformance**

The proposed action conforms to the *{Elko or Wells}* Resource Management Plan (RMP), as *{>if RMP fire management amendment not yet approved}* proposed for amendment for fire management on October 14, 2003. *{>if approved}* approved for fire management on *{insert date when DR signed}*. The action has been designed consistent with current BLM standards and to incorporate appropriate guidelines for desired conditions relevant to project activities. The project would not have adverse effects on any species listed or proposed for listing as threatened or endangered, or any designated or proposed critical habitat, under the Endangered Species Act. The project would not result in adverse effects to any properties listed or eligible for listing on the National Register of Historic Places. The proposed action is consistent with other Federal, state and local policies and plans to the maximum extent possible.

**Compliance with the National Environmental Policy Act (NEPA)**

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM 2, Appendix 1, 1.13. This exclusion is for post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage or to repair or replace minor facilities damaged by fire. Application of this categorical exclusion is appropriate in this situation. The proposed rehabilitation project would be completed within three years of the *{insert name of the wildfire}*. Treatment does not include use of any herbicide or pesticide or construction of any permanent roads or other new and permanent infrastructure. I have reviewed the project against the exceptions in 516 DM 2, Appendix 2. Based on this review, I have determined that there are no

extraordinary circumstances having effects that may significantly affect the environment (BLM/EK/CX-200#/#) and require preparation of an environmental analysis.

### **Persons and Agencies Consulted**

*[Explain how the public was made aware of the proposed activity.]*

*[Identify people and agencies consulted and steps taken based on the consultation.]*

### **Decision and Rationale**

I have decided to implement the proposed action, as described, because:

3. The project will meet the need for restoring lands damaged by wildfire to a management-approved condition, consistent with agency and Departmental policies and procedures.
4. The action conforms with the applicable RMP and is consistent with current BLM and Departmental policies and procedures.
3. The project has been planned to incorporate environmental design features and monitoring requirements. There are no extraordinary circumstances having significant effects that would require an environmental analysis.

### **Approval and Implementation Date**

This project is approved for implementation beginning {insert date}, subject to the conditions as specified in the attached project description. {>If a FFE decision ADD: } This decision is placed in full force and effect under the authority of 43 CFR 4190.1(a).

---

**NAME**

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**Date**

Assistant Field Manager, Renewable Resources

### **Administrative Review or Appeal**

This decision is subject to administrative appeal. Within 30 days of receipt of this decision, parties who are adversely affected and believe it is incorrect have the right to appeal to the Department of the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. Appellants must follow procedures outlined in the form, "Information on Taking Appeals to the Board of Land Appeals." An appeal should be in writing and specify the reasons, clearly and concisely, as to why the decision is in error. Appellants are requested to supply this office with a copy of the Statement of Reasons.

Also within 30 days of receipt of this decision, appellants have a right to file a petition for stay (suspension) of the decision together with an appeal, in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the attached form. The appellant has the burden of proof to demonstrate that a stay should be granted.

### **Contact**

For additional information, contact {NAME, Title,} at the BLM Elko Field Office, 3900 E. Idaho St., Elko NV 89801; telephone 775-753-0200.

### **Attachment(s)**

Project Description and Map

**Worksheet**  
**Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)**

U.S. Department of the Interior  
Bureau of Land Management (BLM)

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**Note:** This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled “Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy” transmitting this worksheet and the “Guidelines for Using the DNA Worksheet” located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM’s internal analysis process and does not constitute an appealable decision.)

**A. BLM Office:** Elko Field Office **Lease/Serial/Case File No:** \_\_\_\_\_

**Proposed Action Title/Type:** \_\_\_\_\_

**Location of Proposed Action:** \_\_\_\_\_

**Description of the Proposed Action:** \_\_\_\_\_

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**Applicant (if any):** \_\_\_\_\_

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP Name\* \_\_\_\_\_

Date Approved

LUP Name\* \_\_\_\_\_

Date Approved

Other document\*\* \_\_\_\_\_

Date Approved

Other document\*\* \_\_\_\_\_

Date Approved

Other document\*\* \_\_\_\_\_

Date Approved

\*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

\*\*List applicable activity, project, management, water quality restoration, or program plans.

**G** The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

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**G** The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

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**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

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List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

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**D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

Documentation of answer and explanation:

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**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

Documentation of answer and explanation:

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**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you**

**reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

Documentation of answer and explanation:

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**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

Documentation of answer and explanation:

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**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?**

Documentation of answer and explanation:

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**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

Documentation of answer and explanation:

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**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?**

Documentation of answer and explanation:

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**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource</u>

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

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### **CONCLUSION**

**G** Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

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Signature of the Responsible Official

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Date

## **Guidelines for Using the DNA Worksheet and Evaluating the NEPA Adequacy Criteria**

These guidelines supplement the policies contained in the Instruction Memorandum entitled “Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy.” During preparation of the worksheet, if you determine that one or more of the criteria are not met, you do not need to complete the worksheet. If one or more of these criteria are not met, you may reject the proposal, modify the proposal, or complete appropriate NEPA compliance (EA, EIS, Supplemental EIS, or CX if applicable) and plan amendments before proceeding with the proposed action.

**Criterion 1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?** Explain whether and how the existing documents analyzed the proposed action (include page numbers). If there are differences between the actions included in existing documents and the proposed action, explain why they are not considered to be substantial.

**Criterion 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?** Explain whether the alternatives to the current proposed action that were analyzed in the existing NEPA documents and associated records constitute appropriate alternatives with respect to the current proposed action, and if so, how. Identify how current issues and concerns were addressed within the range of alternatives in existing NEPA documents. If new alternatives are being raised by the public to address current issues and concerns, and you conclude they do not need to be analyzed, explain why.

**Criterion 3. Is the existing analysis valid in light of any new information or circumstances?**

If new information or new circumstances, including the items listed below, are applicable, you need to demonstrate that they are irrelevant or insignificant as applied to the existing analysis of the proposed action. New information or circumstances could include the following:

- a. New standards or goals for managing resources. Standards and goals include, but are not limited to, BLM’s land health standards and guidelines, recovery plans for listed species prepared by the Fish and Wildlife Service or National Marine Fisheries Service, requirements contained in agency habitat conservation strategies, a biological opinion, or a conference report related to Section 7 of the Endangered Species Act; Environmental Protection Agency water quality regulations for Total Maximum Daily Loads (TMDLs) (40 CFR 130); and the requirement to address disproportionate impacts on minority populations and low income communities (E.O. 12898).
- b. Changes in resource conditions within the affected area where the existing NEPA analyses were conducted, for example, changes in habitat condition and trend; changes in the legal status of listed, proposed, candidate, and BLM-designated sensitive species; water quality, including any identified impaired water bodies under Section 303 of the Clean Water Act; air quality; vegetation condition and trend; soil stability; visual quality; cultural resource condition; wildlife population trend(s); etc.
- c. Changes of resource-related plans, policies, or programs of State and local governments, Indian tribes, or other Federal agencies, such as, State- or Environmental Protection Agency-approved water quality restoration plans.

d. Designations established in the affected area since the existing NEPA analysis and documentation was prepared. Designations include, but are not limited to, designated wilderness, wilderness study areas, National Natural Landmarks, National Conservation Areas, National Monuments, National Register properties, Areas of Critical Environmental Concern, Research Natural Areas, areas designated under the source Water Protection Program of the State or the Environmental Protection Agency, and listing of critical habitats by the Fish and Wildlife Service.

e. Other changed legal requirements, such as changes in statutes, case law, or regulations.

**Criterion 4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the proposed action?** Explain how the methodologies and analytical approach used in the existing NEPA document(s) are current and sufficient for supporting approval of the proposed action. If valid new technologies and methodologies exist (e.g., air quality modeling), explain why it continues to be reasonable to rely on the method previously used.

**Criterion 5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)? Does the existing NEPA document(s) analyze site-specific impacts related to the current proposed action?** Review the impact analysis in the existing NEPA document(s). Explain how the direct and indirect impacts of the proposed action are analyzed in the existing NEPA documents, and would, or would not, differ from those identified in the existing NEPA document. Consider the effect new information or circumstances may have on the environmental impacts predicted in the existing NEPA document. Consider whether the documents sufficiently analyze site-specific impacts related to the current proposed action.

**Criterion 6. Are the reasonably foreseeable cumulative impacts that would result from implementation of the proposed action substantially unchanged from those identified in the existing NEPA document(s)?** Would the current proposed action, if implemented, change the cumulative impact analysis? Consider the impact analysis in existing NEPA document(s), the effects of relevant activities that have been implemented or projected since existing NEPA documents were completed, and the effects of the current proposed action.

**Criterion 7. Is the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?** Explain how the nature of public involvement in previous NEPA documents remains in compliance with NEPA public involvement requirements in light of current conditions, information, issues, and controversies.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ELKO FIELD OFFICE  
**EA SCOPING RECORD**

**Project Name:** \_\_\_\_\_ **File Code:** \_\_\_\_\_  
**Location** \_\_\_\_\_ **Charge Code** \_\_\_\_\_  
**Lead/Preparer** \_\_\_\_\_ **Date Input Requested by:** \_\_\_\_\_  
*Attach initial description of Proposed Action, Project Map(s) & any existing analysis to be reviewed. If working documents are available on a shared network directory, note name:* \_\_\_\_\_  
**Existing NEPA Analysis Name/Log #:** \_\_\_\_\_

CRITICAL ELEMENTS	Present (Yes/No)	Affected (Yes/No)	Notes for Receipt of Input for Issues/Conflicts	Assigned Specialist	Input Date
Air Quality					
ACEC (Salt Lake ACEC)					
Environmental Justice					
Farmlands (Prime/Unique)	No	No		Lead	
Floodplains					
Invasive Non-native Species					
National Register Properties			Survey completed? Report needed?		
Unique Cultural Resources					
Native American Religious Concerns			Early coordination/consultation needs?		
Special Status Species (T&E) State or BLM-sensitive			Species list provided? Evaluation?		
Migratory Birds					
Wastes, Hazardous/Solid					
Water Quality, Drinking, Ground					
Wetlands, Riparian Zones					
Wild & Scenic Rivers					
Wilderness					
<b>OTHER RESOURCE ISSUES</b> (*as identified by manager)			<i>*Eg., Soils, Lands, Vegetation, Grazing, Forestry, Fire, Wildlife, Wild Horses, Minerals, Recreation, Socioeconomics</i>	<b>Assigned Specialist</b>	
Visual Resource Management	Yes		Checklist and/or Rating form provided?		

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## EA Review and Approval Record

**Title:** \_\_\_\_\_

### **Part A. Internal Review of Preliminary Document(s)**

**Date of Document(s):** \_\_\_\_\_ **Review Requested By:** \_\_\_\_\_

**Lead Preparer:** \_\_\_\_\_ **Charge Code :** \_\_\_\_\_

**Applicant (if any):** \_\_\_\_\_ **File Code** \_\_\_\_\_

**Editorial Review Completed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**P&EC Review: Initials:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **NEPA Register #:** BLM/EK/PL-\_\_\_\_\_/\_\_\_\_\_

### **Lead Preparer's Record of Routing & Receipt of Review Comments**

TOPIC	§ Ref.#	Name of Preparer/ID Team Specialist <i>Revision needed? Comments Attached?</i>	Date of Reply
INTRODUCTION	1		
<b>Need for</b> (and Purpose of) <b>Action</b>	<b>1.1</b>	All Preparers	
<b>LUP Conformance</b>	<b>1.2</b>	All Preparers	
ALTERNATIVES	2		
<b>Proposed Action</b>	<b>2.1</b>	All Preparers	
- Resource protection features	if any	Lead & Applicable Resource Specialist	
- Monitoring	if any	Lead & Applicable Resource Specialist	
No Action	2.2?	All Preparers	
Alternative A <i>Name</i>	2.#?	All Preparers	
Any other alternative(s) <i>Name(s)</i>	2.#?	All Preparers	
Alternatives Eliminated	2.#?	All Preparers	
AFFECTED ENVIRONMENT/EFFECTS	3		
<b>Critical Elements Not Affected</b>	<b>3.1</b>	<i>See EA Scoping Record</i>	
<b>Effects of Alternatives</b> ( <i>List in order analyzed</i> )	<b>3.2</b>	<i>List name of responsible specialist</i>	
	3.2.1		
	3.2.2		
	3.2.3		
	3.2.4		
	3.2.5		
	3.2.6		
	3.2.7		
	3.2.8		
	3.2.9		
	3.2.10		
	3.2.11		
	<i>more?</i>		
<b>Cumulative Impacts</b>	<b>3.3</b>	Lead & Applicable Resource Specialist	
Mitigation and Residual Impacts	if any	Lead & Applicable Resource Specialist	
<b>Monitoring</b>	<b>3.4?</b>	Lead & Applicable Resource Specialist	
CONSULTATION/COORDINATION	4		
<b>Persons and Agencies Consulted</b>	<b>4.1</b>		
List of Preparers	4.2	Lead	
<b>FONSI</b> ( <i>add "DR" if combined</i> )		Lead	

*The Lead Preparer is responsible for considering comments received and finalizing the document.*

### **Part B. Approval of Final Document(s) (EA, FONSI and/or DR)**

*Review comments are incorporated as deemed appropriate. The attached documents are submitted for approval.*

**Lead Preparer** \_\_\_\_\_ **Date:** \_\_\_\_\_

**P&EC Final Review:** \_\_\_\_\_ **Initials** \_\_\_\_\_ **Date** \_\_\_\_\_

**Manager Approval: Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

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## Environmental Assessment Revision Comments

*Note: This memo/table is for optional adaptation & use by reviewers of a preliminary EA, or consolidation of comments by the Lead Preparer.*

**Date:** \_\_\_\_\_

**To (Lead Preparer):** \_\_\_\_\_

**From (Reviewer):** \_\_\_\_\_

**Name & Date of Document:** \_\_\_\_\_

**File Code** \_\_\_\_\_ (w/ Lease/Serial/Job #) **NEPA #:** BLM/EK/PL-\_\_\_\_\_/\_\_\_\_

*(Insert/delete rows as necessary to convey comments for revision)*

<b>4. TOPIC</b>	<b>§ Ref.#</b>	<b>Revision Needed (Attach if lengthy)</b>
<b>EA Title Page or Header</b>		
<b>INTRODUCTION</b>	<b>1</b>	
-Background (if any)		
<b>Need for and Purpose of Action</b>	<b>1.1</b>	
<b>Land Use Plan Conformance</b>	<b>1.2</b>	
-Related Laws/Policies/Plans (if any)		
<b>ALTERNATIVES</b>	<b>2</b>	
<b>Proposed Action</b> (Who/what/where/when/how)	2.1	
- Location/Maps		
- Resource protection features		
- Applicable requirements (SOPs)		
No Action (# & move if described first)	2.2	
<i>Insert Rows as needed w/ name of any additional alternative(s)</i>	2.#?	
Alternatives Eliminated		
<b>AFFECTED ENVIRONMENT/EFFECTS</b>	<b>3</b>	
-Setting (optional)		
Critical Elements (not affected)	<b>3.1</b>	
<b>Name of Resource Issue #1</b>	<b>3.2.1</b>	
-Area of Effect/Existing Conditions	3.2.1	
<b>-Effects of Alternatives</b> -direct, indirect	3.2.1	
<b>Insert rows for each name issue</b>	3.2.#?	
-Area of Effect/Existing Conditions	3.2.#?	
<b>-Effects of Alternatives</b> -direct, indirect	3.2.#?	
<b>Cumulative Impacts</b>	<b>3.3</b>	
-Other Past, Present, Future Actions		
-Effects of Alternatives		
Mitigation/Residual Impacts	if any	
<b>Monitoring</b>	<b>3.#?</b>	
<b>CONSULTATION/COORDINATION</b>	<b>4</b>	
<b>People (and/or) Agencies Consulted</b>	<b>4.1</b>	
-Public Scoping/Review (if any)	4.1.#?	
-Agency Coordination (if any)	4.1.#?	
-Native American Coordination (if any)	4.1.#?	
List of Preparers (and Expert ise)	<b>4.2</b>	
References		
Attachments/Appendices (if any)		
<b>FONSI(&amp; DR, if combined)</b>		

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**Elko Field Office NEPA Guidebook, July 2004**  
**Environmental Assessment Template**

*This template has been created in for use in writing an environmental assessment for the Elko Field Office. To use it, first save it with a new name. It is formatted to follow an outline for required and optional sections of an EA, and provides guidance for the content of each section.*

- *Instructional text is italicized. Replace or remove all italicized text as you write the EA.*
- *Required elements are in **Bold Text***
- *Replace the “header” for this template with the name of the project and date, i.e. Draft (DD/MM/YY); Final (MM YY). Also change the footer; include page numbers.*

*Begin with a centered title for internally prepared EAs on projects proposed by BLM.*

- *For a third-party generated EA, see instructions for a “Title/Cover Page” in the Elko Field Office Guidebook, Chapter VIII, section A and the example in Appendix 4d.*

**United States Department of the Interior**  
**Bureau of Land Management**  
**Elko Field Office**

*Preface with **Preliminary as of (date)** if this EA is under review*

**{NAME OF ACTION/PROJECT}**

**Environmental Assessment**

BLM/EK/PL- {enter log book yyyy/###}

*File Code (w/ Serial No., JDR #, etc.)*

**1 - INTRODUCTION**

*Briefly introduce who is proposing what, to include the name of any applicant and any cooperating agency. State what the Federal action is. Generally orient the reader as to where the action would take place (include the county in Nevada) and reference a “vicinity map.” End with: This environmental assessment (EA) has been prepared for compliance with the National Environmental Policy Act of 1969 (NEPA).*

Background – *(Optional paragraph). Briefly provide pertinent background or historical information if necessary to understand the next section(s).*

**1.1 Need for {and optional “Purpose of”} Action (Required)**

*For an EA-level analysis, NEPA requires the need be identified.*

- *State the underlying need for action, i.e., what is lacking (or what the opportunity is). Only the “no action” alternative may not meet the need.*
- *For an applicant-driven action, the need describes the demand/market/use for the resources produced or affected, and is defined by the proponent.*
- *Cite the law or policy that gives BLM discretionary authority for the action, especially in the case of applicant-driven actions.*

\*\*\*\*\*

**Elko Field Office NEPA Guidebook, July 2004**  
**Environmental Assessment Template**

*The optional statement of ‘purpose’ is recommended when an EA considers alternatives to the proposed action, other than no action (i.e., ‘action alternatives’).*

- *Clarify what the proposed action and alternatives are intended to accomplish. This typically requires establishing ‘objectives’ against which intended results of each alternative can be measured or compared.*
- *Alternatives to the proposed action that would not meet a stated purpose to some degree would not be reasonable. They should be “eliminated from detailed analysis” in the EA, (see chapter 2).*

## **1.2 Land Use Plan Conformance (Required)**

*FLPMA requires an action under consideration be in conformance with the applicable land use plan. If not, an amendment to the applicable RMP would need to be prepared before the action could be implemented. The following statement may be used:*

*The proposed action [add "and alternatives"-- if there are any, other than the no action alternative] as described below is {or “are”} in conformance with the following approved land use plan:*

*> [name applicable plan or amendment(s)], approved {date}, page {#}, {list the Management Action or Decision or Issue #(s)}. This decision is to {quote or summarize text}.*

*In situations where the conformity is not clearly stated but it is consistent with the RMP, the following statement may be used:*

*The [name applicable plan and/or amendment], as approved {date}, is silent on the proposed action [add “and ‘alternatives” – if there are any]. However it is {or ‘they are”} consistent with the objectives of the RMP for [name the resource issue(s). such as wildlife and/or grazing (and cite the page #)].*

*If appropriate, add the following statement:*

*The proposed action {add “and alternatives” – if applicable} is {or “are”} further consistent with the objectives of the following plan(s) for the geographic area affected by the action [and alternatives]:*

*> List applicable plan(s) and approval date(s). Cite the management determination with page #(s).*

*FLPMA also requires that actions be reviewed for consistency with other state and local laws and plans. As such, the conformance statement should also include the following conclusion:*

*The proposed action is consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.*

*> List applicable law(s), regulations and plans. Include references to approved plans, such as local land use or pertinent conservation plans.*

- *Text within the NEPA analysis document should support the land use plan conformance statement. This includes writing the purpose and need statement and the description of the proposed action and alternatives to include measures for accomplishing resource management objectives, if established by a RMP, implementation plan, or other Federal, state or local plan. The analysis of effects in an EA should show how the project has been designed to achieve positive effects and/or avoid or minimize negative impacts.*

\*\*\*\*\*

**Elko Field Office NEPA Guidebook, July 2004**  
**Environmental Assessment Template**

### **1.3 Issues (optional)**

*Consult the P&EC and the authorized manager to determine if this optional section should be included. Inclusion of this section is not recommended unless (a) public scoping resulted in controversy, (b) there are alternatives to the Proposed Action that are described and analyzed in the next chapter (not including the “No Action” alternative), and/or (c) there are many resource issues to be analyzed for environmental impacts. When included in an EA, there is typically a companion discussion, within the “Consultation and Coordination” chapter, to actually summarize the results of “Public Scoping and Review.” This section should sharply define the issues that are addressed by the EA. Issues raised by the public but determined to be beyond the scope should be discussed in the latter section. Specify any issues identified during scoping that are addressed by the development of alternatives or the impacts analysis. Provide concise and objective statements of the issues, in the same order that they are addressed in EA. For impacts, this may take the form of a “cause/effect” statement.*

### **1.4 Relationship to Other Laws, Policies and Plans (optional)**

*It is recommended this section be included when compliance with other laws or consistency with plans of other state or local agencies and tribes is involved. The purpose is to integrate documentation of such compliance within this EA. Other federal laws include the Endangered Species Act, National Historic Preservation Act, and Clean Water Act. State laws and policies would include discussion of permitting requirements. Examples of State and local plans are wildlife/habitat conservation plans, county or city land-use plans, and municipal water plans. When included in an EA, there is typically a companion discussion of reviews by other agencies within the “Consultation and Coordination” chapter.*

## **2 - ALTERNATIVES**

*This chapter describes the Proposed Action and alternatives, including any that were considered but eliminated from detailed analysis. If there are other alternatives besides the Proposed Action and No Action alternatives, describe how and why they were formulated. Identify BLM’s “Preferred Alternative” and why. In so doing, it may be helpful to focus on the how the preferred alternative would best meet the purpose(s) as stated in chapter 1.*

### **2.1 No Action (Required, but placement within chapter is discretionary)**

*The only alternative that can be considered that does not meet the need for action is the No Action alternative. For applicant-driven actions, the No Action alternative is defined as denying the proposed action, as described by the proponent. In this case, it is typically easier to describe and analyze the No Action alternative after the Proposed Action. Another option is to eliminate it from detailed analysis, with the explanation that it would not result in any of the impacts discussed in the next chapter.*

*When action is proposed to meet resource objectives or correct unsatisfactory conditions, the No Action alternative is defined as “no change in current practices.” In this case, it is recommended*

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*the No Action alternative be described first, to provide baseline information for comparison with the Proposed Action {and any other action alternatives}. Its description should focus on defining the problem that would continue if no action is taken.*

- *Include, or incorporate by reference, a description for any applicable standard operating procedures (SOPs) established for protection of a resource.*

## **2.2 Proposed Action**

*An adequate description of the Proposed Action is crucial to completion of a legally sufficient EA and subsequent implementation of the action. The description should have been written with interdisciplinary input during internal scoping, and for use in any public scoping. Changes to it as a result of scoping should be made in the preliminary EA that is circulated for review with a draft FONSI (see Elko FO NEPA Guidebook, Chapter IV).*

*Identify who (BLM or private party/applicant) has proposed the action. If a private party/applicant (proponent), also identify what the associated Federal (BLM) action is.*

- *When an action, as proposed by an applicant, is not BLM's preferred alternative, it should not be named as the Proposed Action (with a capital P and A).*
- *Include any "connected" action, whether by BLM or others.*

*For each type of action, describe what and where (location), to include extent (acres) and any other quantifiable information. Refer to a project map.*

*Describe when, to include timing and duration. Describe how.*

### **Special Design Features (or Resource Protection and/or Conservation Features)**

*Note: You may also include this and the next subsection as a separate section on "Actions Common to all Alternatives." List them, to include any design or construction specifications that would be required for the protection of resources and applicable standard operating procedures (SOPs). Obtain input from the appropriate specialist. If lengthy and believed necessary to understand the alternative, these features should be summarized and attached or appended.*

*SOPs that are available for review upon request may be incorporated by reference (summarized with notation as to where they are available).*

- *The incorporation of resource protection measures into the proposed action will reduce the need for detailed analysis of an impact in the next chapter of the EA, and avoid the need to develop and analyze mitigation recommendations.*
- *For BLM initiated actions, all reasonable measures, as agreed to by the responsible manager, should be described as part of the proposed action.*
- *In the case of applicant-driven action, the proponent must agree to such measures (or stipulations) in writing. If not, and you believe the measure is necessary to avoid a (significant) adverse impact, formulate a BLM-preferred alternative that includes the measure (or discuss preparation of an EIS with the responsible manager and applicant).*

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- *If a discretionary resource protection or conservation measure does not affect BLM's ability to issue a FONSI for approval of an applicant's proposed action, recommend and analyze it in a "Mitigation and Residual Impacts" section at the end of the next chapter. Any commitment for a mitigation measure should then be documented by the decision for the action, as a 'condition of approval.' This, assumes the responsible manager considers the measure to be practical in helping prevent 'undue harm or degradation.'*

*Writing tip: It is not appropriate to refer to measures included as part of the proposed action (or any alternative) as mitigation (H-1790-1, page IV-7). To avoid this, use terms such as limit, repair, rehabilitate, restore, and replace. These terms are from the following definition from CEQ's regulations [40 CFR 1508.20]:*

Mitigation includes:

- (a) Avoiding the impact altogether by not taking a certain action or part of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

**Monitoring**

*List any monitoring requirements, especially as they pertain to any environmental design features. Specify:*

- *Which resource should be monitored, and why?*
- *Who would conduct the monitoring?*
- *When? (Describe the frequency and duration of the monitoring.)*
- *How? (What methods and equipment would be used? Describe any reporting requirements, and how monitoring data would be used. Anticipate any possible corrective actions or adaptations that may be taken (adaptive management).)*

*This description should be referred to, but not repeated, in the section on monitoring at the end of effects analysis (next chapter).*

**2.x Alternatives to the Proposed Action (A, B, etc.) (optional)**

*Alternatives for action provide choices in the decision-making process. Concisely name each alternative for future reference, such as "Limited Grazing" or, if this is for an applicant driven action, "BLM's Preferred Action." Don't include alternatives just to have alternatives, only include reasonable alternative(s). Alternatives must meet the stated need for action, and should*

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*meet the purposes of the action to some degree, as agreed to by the project proponent in the case of applicant-driven actions. An alternative should be described in detail if:*

- needed to resolve resource conflicts or public controversy (these could be identified in the optional 'Issues' section of Chapter 1 and referred to); or*
- implementation would reduce or eliminate unavoidable adverse impacts associated with the Proposed Action (and for which a project proponent has not agreed to), or*
- directed by the decision-maker, for purposes of exploring management options.*

## **2.3 Alternatives Considered but Eliminated from Detailed Analysis (optional)**

*If applicable as a result of scoping, describe any additional alternative(s) considered that are not otherwise described in the above sections. Give a concise explanation of the reason(s) why the alternative was eliminated from detailed analysis in this EA.*

- Defensible reasons for eliminating an alternative include failure to meet the purpose and need, as stated in Chapter 1.*
- Action alternatives should not be brought forth for discussion if they are more environmentally damaging than the Proposed Action.*
- BLM's NEPA guidance does not require detailed analysis of a 'no action' alternative in an EA. Consult the P&EC and approving manager if you feel this is the appropriate section to discuss the no action alternative.*

## **2.4 Summary Comparison (optional)**

*This section is recommended when there are alternatives to the Proposed Action alternative and the discussion of impacts in the next chapter is complex. It can be a table or matrix that emphasizes the differences in actions and severity of associated impacts between the alternatives, typically as compared to the Proposed Action, or with No Action alternative when it is used as a baseline.*

# **3 - AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS**

**General Setting** – *Orient the reader. What does the area look like? Include a brief statement to introduce the affected resources that are brought forth for analysis. Refer to a map that shows the study area (area of direct and indirect effects, to include cumulative impacts).*

## **3.1 Critical Elements (optional, "and Resources") Not Affected (Required)**

*Critical elements are those BLM is required to consider by statute or policy, and this section will provide a 'negative declaration' for those elements for which BLM has made a determination of no effect. We cannot analyze the whole world. Limit making a negative declaration for other resource issues to those required by program-specific direction, and for which, given the nature of the action, the public would expect to be analyzed by this EA.*

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*Begin with the following statement:*

The following critical elements of the human environment are not present or affected by the proposed action {add “or alternatives” if any other than No Action}:

*List the elements, as applicable*

Air Quality

Areas of Critical Environmental Concern -- *Elko district only has the Salt Lake ACEC*

Farm Lands (Prime or Unique) – *Always listed; there are none on the Elko district*

Cultural Resources (*Rarely listed here; see notes for next paragraph*)

Environmental Justice

Native American Religious Concerns (*Rarely listed here; see notes for next paragraph*)

Hazardous or Solid Wastes

Invasive, Non-Native Species

Migratory Birds

Threatened or Endangered Species (*Rarely listed; see next ¶ for Special Status Species*)

Floodplains

Water Quality (drinking/ground)

Wetlands/Riparian Zones

Wild and Scenic Rivers (*see note for next paragraph*)

Wilderness (*see note for next paragraph*)

*Follow with a paragraph to provide a brief explanation of the negative declaration only when considered necessary. Begin with:*

BLM specialists have further determined that the following critical elements {and/or “resources” -- if necessary}, although present in the project area, would not be affected by the proposed action (add “or alternatives” if applicable) for the following reasons.

Name each critical element or resource -- followed by a brief explanation.

- *Do not organize this discussion (or the analysis for resources brought forward for analysis in the next subsections) to distinguish critical elements from ‘other resources’ of concern.*
- *NEPA requires disclosure of both positive and negative impacts. Actions proposed by BLM are typically driven by the desire or need to resolve an existing or suspected environmental problem (BLM Guidelines for Assessing and Documenting Cumulative Impacts, page 13). As such, the action is expected to improve or enhance the quality of the human environment. Applicant-driven action, or actions that are under consideration to satisfy a demand for public goods or services, are designed to include measures to improve environmental conditions whenever possible. When an action is proposed or expressly designed to enhance or improve environmental conditions, the resource issue should generally be brought forward for analysis in the next section.*
- *It is appropriate to include critical elements in this section when negative impacts are highly unlikely, but the action involves SOPs that are required to protect the resource. The explanations included in this section should point out when the description of the proposed action includes a SOP to completely avoid a negative effect on the resource. When a proposed action or alternative includes measures to minimize or compensate for an adverse impact, the element (or resource) should be brought forward for analysis in the next subsections.*

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*A checklist of critical elements and resources for which an explanation is recommended include:*

- Special Status Species – *This term includes species listed, or proposed for listing, under the ESA as threatened or endangered (T&E species). T&E species are critical elements for which a negative declaration is always required. Special status species also include candidates for listing as T&E species; state-protected species, and species listed by the BLM as sensitive. List (or reference and attach) a compiled list of species and their status that may occur in the affected area. The compiled list should further note why a biologist has determined an action would not affect each species. If a determination of no effect has not been made for all species, this same information should instead be provided by an analysis for Special Status Species in the next section.*
- Wildlife – *Explain why there would be no effect if the action is in the vicinity of areas designated a crucial range for deer, pronghorn antelope or elk by the Elko or Wells RMP, or involves species covered by a population or habitat management plan. Refer to and any input received from the Nevada Department of Wildlife that supports the conclusion of no effect.*
- Native American Religious Concerns – *If an issue has been raised, include an explanation that refers to a memo from our Native American Coordinator to document BLM's determination that the action has no potential to affect a sacred site or traditional cultural property of concern. Also note if the potential for the discovery of human remains is highly unlikely (to cover compliance with the Native American Grave Protection and Repatriation Act).*
- Cultural Resources – *Refer to the existence of any (proprietary) report when surveys of the project area did not resulted in a negative finding (i.e., sites were recorded), but a BLM archaeologist has determined that there are no properties on or eligible for the National Register of Historic Places, and the potential for discovery of buried resources is highly unlikely.*
- Wilderness and Wild Scenic Resources – *when there is a Wilderness, Wilderness Study Area, or recommended Wild and Scenic River in the vicinity of the action. The explanation should include reference to impairment criteria.*
- Recreation – *If the action is in the vicinity of a special recreation management area (from the Elko or Wells RMP) or a public recreation site, explain why the action has no potential to directly or indirectly affect it.*
- Wild Horses -- *If the action is in the vicinity of a herd management area, as designated by an approved amendment to the Elko or Wells RMP, explain why the action has no potential to (directly or indirectly) affect wild horses or their habitat.*
- Visual Resources – ***Discussion of Visual Resources in an EA is required by the Elko Field Office.*** *If there are clearly no concerns, to include any special design features for the action, visual resources may be included in this section. State the Visual Resource Management (VRM) objective, and if it is met by existing conditions in the area. State why the proposed action has no potential to (directly or indirectly) affect visual qualities of the area, such as it does not involve any new facilities or ground disturbance.*

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### **3.2. *Effects of the Alternatives***

*Begin this subsection with the following sentence:*

*Resources present and brought forward for analysis for each alternative are discussed by the following subsections. If numerous, follow with a numbered list.*

#### **3.2.x *{Resource Issue 1, 2, etc.}***

- *Name these subsections according to the resource issue. Sharply define the issue or concern. If you are including a section on “Issues” in chapter 1 that already did this, further explain your analysis in the subsection.*
- *Include the issue even if a resource specialist has determined it is adequately covered by an existing analysis. Incorporate by reference, i.e., summarize conclusions and cite the page numbers from the referenced document.*
- *Present the resource issues in a logical order for analysis (i.e., not in alphabetical order). This is to allow reference back to discussions of direct or primary impacts before discussion of indirect or secondary impacts for other resources issues. For example, disclose the acres of ground disturbance in the analysis to physical resources (visual quality, air quality, soil erosion/sedimentation, water quality, wetlands/riparian zones) before biological (fish and wildlife and their habitat) and/or cultural or socio-economic resources.*
- *Include a subsection for Visual Resources if any measures are required or recommended to ensure the established visual resource management objective is met, or if there are any differences as to how the objective is met by other alternatives.*
- *Describe general Fish and Wildlife/Habitat (game and non-game) issues before species-specific issues for special status species and migratory birds. Focus discussions for the multitude of migratory birds by establishing indicator species. Use and refer to species that are also a “Special Status Species” when possible.*
- *The discussion for T&E species and migratory birds must also support a FONSI for adverse effects, to include any ‘take’ as defined by for purposes of complying with the Endangered Species Act and Migratory Bird Treaty Act, respectively. The intensity of beneficial (conservation) impacts should also be disclosed in the EA.*
- *To support a FONSI, the discussion for cultural resources should report results of site-specific inventories. Focus on properties that are on, or may be determined eligible for, the National Register of Historic Places, separate from those that may be considered as ‘unique’ geographic features.*
- *For Native American Religious Concerns and when possible, refer back to the cultural resources section when there are concerns for impacts to traditional cultural properties (or eligible Properties of Cultural or Religious Importance).*
- *Group discussions of environmental impacts for socioeconomic issues, to include any impacts to users of public lands in the affected area (grazing, mining claims, rights-of way, recreation), public health and safety and Environmental Justice, including Native Americans as a minority population.*

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*In the first paragraph for each resource, sharply define the issue and the affected area (aka, “area of potential effect” or “action area”). Describe existing conditions. Don’t be encyclopedic; only provide enough information to allow the reader to understand the analysis of direct, indirect and cumulative effects. Incorporate by reference (summarize) information and conclusions from existing analyses (to include page numbers from the referenced source).*

*Impacts of the {name of} Alternatives – In this combined Affected Environment/Environmental Effects format, follow the ‘affected environment’ paragraph for a given resource issue with paragraph(s) that discuss the direct, indirect and cumulative impacts of each alternative on a given resource.*

- *Direct effects are caused by the action and occur at the same time and place.*
- *Indirect effects are caused by the action and are later in time farther removed in distance, but are still reasonably foreseeable. They may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. [40 CFR 1508.8]*
- *Cumulative impacts result from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. [40 CFR 1508.7].*

*A separate section on cumulative effects may be written when:*

- *the analysis is complex, and/or*
- *to address an issue expressed by an interested party who expects to see one.*

*The determination of whether your EA is formatted to discuss cumulative effects in a separate section should be made based on the results of scoping and following discussion with your P&EC and the responsible manager. For further information on formatting and writing the cumulative effects analysis, see optional section 3.3.*

*Formatting tips:*

- *First describe the ‘future if No Action is taken.’*
- *Write separate paragraphs for the No Action, Proposed Action, and other named alternative(s). Begin each paragraph with the underlined name of the alternative. The discussion should highlight the difference in impacts (positive and negative) from the No Action or Proposed Action alternatives.*

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Writing tips:

- *When an impact on one resource leads to an impact on another, it may be referred to as a ‘secondary’ impact. Refer the reader back to the primary causal agent of change when discussing such impacts.*
- *Quantify whenever possible.*
- *Do not refer to an impact as being adverse, beneficial, or significant within an EA.*
- *To clearly support the finding of no significant impact, objectively identify a threshold below which the magnitude of an impact may be considered to be insignificant. A threshold may be quantitative (measurable) or qualitative.*
- *Include both positive and negative impacts. This includes reference to the effects of any special design features and applicable SOPs that are described as part of the proposed action (or alternative, including no action) for resource protection or enhancement purposes.*
- *Use CEQ’s definition of mitigation (see section 2.2) to describe effects of a resource protection measure that is incorporated as part of an alternative. Instead of ‘mitigate,’ use words such as avoid, eliminate, minimize, limit, reduce, preserve, rectify, repair, rehabilitate, restore, compensate and replace.*
- *Don’t ‘suggest’ mitigation measures for negative impacts ... yet (see notes for optional section 3.4).*
- *If the impacts are the same as those described for a previously discussed alternative, refer back to the named section of the previous discussion. (This helps the EA to be concise, and helps with consistency).*

### **3.3 Cumulative Impacts**

*NEPA requires an analysis of cumulative impacts in EAs as well as EISs, but it is optional to include it as a separate section (as opposed to discussing them as applicable in the previous section.) The reason we include a separate section for cumulative impacts is that public expects to see one.*

*If there are no (or immeasurable) direct or indirect effects from the Proposed Action (or alternatives), there would be no cumulative effects. Include the following statement to conclude BLM’s analysis:*

*All resource values have been evaluated for cumulative impacts. It has been determined that no measurable cumulative effects would result from implementation of the Proposed Action (add “or alternatives” if applicable)*

*If cumulative effects are anticipated for some but not all of the resource issues, modify the above statement to list the resources. Then include or refer to the subsections for the resource(s) with cumulative effects, in the same order as the previous section.*

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***Formatting and writing tips:*** A good source of information for completing an analysis of cumulative impacts is BLM's April 1994 document, "Guidelines for Assessing and Documenting Cumulative Impacts."

- *The introductory (affected environment) paragraph may begin with the following definition of cumulative impacts:*  
  
Cumulative impacts result from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. [40 CFR 1508.7].
- *List the past, present and reasonably foreseeable future actions that contribute to the cumulative effects analysis.*
- *When appropriate, such as for mining actions or oil and gas lease sales, develop a 'reasonably foreseeable development' (RFD) scenario. An RFD differs from other "reasonably foreseeable future actions" in that it would only occur if the Proposed Action is implemented (it is dependent, but not necessarily connected). Never include a RFD scenario in the description of proposed action. To make it clear that a RFD scenario has been created solely for the purpose of estimating cumulative impacts of a proposed action (or alternative), include the RFD scenario as an appendix and summarize it as part of the cumulative impacts analysis.*
- *Summarize any assumptions on which the impact analysis is based, to include incomplete or unavailable data. Present any program-specific documentation requirements associated with incomplete information. Assume any environmental commitments for an ongoing or currently proposed action are implemented, but don't suggest any mitigation measures to compensate for the actions of others as part of the proposed action. This is especially important for an RFD scenario.*
- *In the introductory paragraph for each resource, refer to the 'area of potential effect' as it should have been defined in the analysis of direct and indirect effects for the resource (this 'study area' should not change). Remind the reader of the 'other' actions with effects in that area.*
- *Refer to existing analyses to establish the baseline. Remind the reader of the description of existing conditions on a given resource from past and present actions for the No Action alternative. The cumulative impacts of the no action alternative, as a baseline, would further include the projection from reasonably foreseeable actions that are likely to occur, whether or not the Proposed Action is taken.*
- *Restate or refer to the direct and indirect effects of the Proposed Action on the resource. Then discuss the projection of effects from the 'RFD scenario' (if any). Do not suggest any mitigation measures for the scenario.*
- *For other alternatives, refer to differences in cumulative impacts from the no action (baseline) and/or proposed action. If no difference, say so.*

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### **3.4 Mitigation and Residual Impacts (required if applicable)**

*Mitigation should rarely be included in an EA-level analysis for BLM proposals, but may be necessary for applicant driven actions. This section serves to suggest mitigation recommendations for consideration by the authorizing official, especially when issuing a decision on actions as proposed by applicants.*

- *Avoid the need to issue a “mitigated” FONSI. Any measure prescribed to avoid a significant and adverse impact should be incorporated as part of the selected alternative. (Otherwise, you risk legal challenge that may result in needing to prepare an EIS to adequately comply with NEPA.)*

**Writing tips:**

- *As for proposed actions, use words such as “would” or “could” or “should” to describe mitigation measures. When a measure is committed to (i.e., selected as a condition of approval or stipulation) in a decision, change the wording to “will” or “shall” or “must.”*
- *Do not repeat any measures that are described as “Special Design” or “Resource Protection” features in the description of a proposed action or an action alternative.*
- *When you recommend a mitigation measure, you are also responsible for evaluating the degree it would lessen a negative impact, and any positive and negative effects of it on any other resources.*
- *Use the definition of mitigation (see section 2.2) to describe the effect. Instead of ‘mitigate,’ use words such as eliminate, minimize, limit, reduce, preserve, rectify, repair, rehabilitate, restore, compensate and replace.*

*Residual impacts are those that remain after application of a mitigation measure. In an EA-level analysis, impacts that would persist after implementation of an alternative, to include resource protection measures described as part of a Proposed Action, should already have been discussed by the above analysis of effects. This includes cumulative impacts.*

- *To avoid confusion and when this section is included in an EA, do not label an impact as ‘residual’ when describing the indirect or cumulative impacts of the alternatives, to include discussions for the ‘mitigating’ effects of the resource protection measures.*
- *If the intensity (magnitude and duration) of a residual impact does not support a FONSI, then an EIS would need to be prepared.*

### **3.5 Monitoring (Required)**

- *Identification of monitoring needs is mandatory for all actions. It is preferred that monitoring actions be described as part of the proposed action, and that any detailed discussion of monitoring in this section of the EA be for additional measures required to monitor the effectiveness of mitigation, if any measures are recommended in the above section.*

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*If all monitoring needs are identified as part of the proposed action or alternatives, use the following:*

The monitoring described in the Proposed Action (and/or alternative(s), if any) is sufficient for this action.

- *Do not repeat monitoring requirements for practices that are described as part of the proposed action or alternatives.*

*If no mitigation recommendations are made, or if no monitoring is deemed necessary, use the following statement:*

No monitoring needs have been identified for this action.

*If mitigation measures are recommended, provide the same information required to describe monitoring for the proposed action.*

## **4 – CONSULTATION AND COORDINATION**

**Option A** – when preparation of the EA does not involve public scoping and/or review by others

### **4.1        *Persons, Groups or Agencies Consulted***

*List contacts made throughout the process, to include any applicant and any informal coordination with other agencies or tribes.*

- *A record of all contacts, including phone conversations and/or meetings held by any of the Preparers, must be placed in the project file.*

### **4.2        *List of Preparers***

*List the BLM specialists (and any cooperating agency specialists) on the ID team and their expertise, as used in helping to prepare this EA. Identify the Lead (or Project Manager in the case of third-party EAs). Do not include managers, program leads or coordinators, supervisors, or the P&EC when their only role was to provide direction and/or review of the preliminary and final EA. Do not include the approving manager.*

- *A record of any reviews and review comments received must be placed in the project file.*

*For third-party generated EAs, the names and expertise of the Project Manager and specialist should be listed separate from those from the BLM, under the name of the contractor or consultant.*

- *When an EA has been prepared directly by a proponent for submission with an application or plan for approval, it is not appropriate to list the applicant/proponent here.*

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## **4 – CONSULTATION AND COORDINATION**

***Option B -- when public scoping/review and/or review by other agencies or tribes is involved***

### **4.1    *Persons, Groups or Agencies Consulted***

#### **4.1.1   *Public Scoping (and Review, if applicable)***

*When the public involvement process for a proposed action includes external scoping, comments provided by the public should be briefly discussed in this section. In this case, the introductory chapter should like have included a listing of the issues addressed by the EA that may be referred back to. This section should also summarize input received and BLM's response from public review of a (draft) EA, if sent out prior to issuance of a "final" decision on the action (this is rare for projects). In either situation, briefly discuss input received, and focus on how substantive comments are addressed. Also, briefly explain any issues raised that were considered beyond the scope of analysis.*

- *The administrative record should include any public scoping materials, input received and a report documenting the results of scoping. When public review has occurred, include and any comment letters and a report detailing comments/BLM's responses. These report(s) should be referenced and readily available upon request, but generally should not be 'appended' to an EA.*

#### **4.1.2   *Coordination with Other Agencies (and Tribes, if applicable)***

*It is recommended this section be included when deemed appropriate to document that BLM has met its responsibilities for coordination with others as required by other laws or policies, including FLPMA and its associated "4C" requirements (consultation, coordination, collaboration, conservation). Review by a "cooperating agency" in preparation of the EA, as encouraged by the CEQ, should also be discussed. The introductory section of the EA may include a sister section on "Relationship to Other Statutes, Regulations, Policies or Plans." Other laws and policies to integrate with the NEPA process include consultation for compliance with section 7 of the Endangered Species Act, consultation for compliance with section 106 of the National Historic Preservation Act, and Native American Consultation. Name the law or policy, and **summarize the results of the coordination and interagency review activities.***

- *Include copies of all correspondence and records of any phone conversations or meetings in the project file. The records should be referenced and readily available upon request, but generally should not be appended to an EA.*

### **4.2    *List of Preparers***

*See instructions for option A above, section 4.1*

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### **4.3 Distribution List**

*The BLM lead is responsible for maintaining a project mailing list, and creating this distribution list from it. The EA should not be distributed to everyone on the Elko Field Office mailing list who may have received scoping information. It should consist only of those who provided scoping input or requested they be on the project mailing list. Include any applicant. The listing in this part of the EA documents who will receive a notice of the availability of this EA and FONSI (with or without a DR). Anyone known to be affected by the action should also receive a copy of the EA and FONSI, with the (proposed and final, if applicable) decision document. To avoid privacy issues, do not include their mailing address. Just give the name of the individual, the organization or agency they represent, and the city and state.*

*Organize the list according to the following categories.*

- Individuals (ranchers, adjacent landowners)
- Businesses (applicants, permittees, corporations)
- Non-Governmental Organizations (environmental organizations, special interest groups)
- Local Governmental Agencies and Elected Officials
- State Governmental Agencies and Elected Officials (specify # of copies sent to the Nevada Clearinghouse)
- Tribes
- Federal Agencies

*Attach a copy of actual mailing labels for an EA and/or FONSI/DR to the file copy of the cover letter to the interested party(ies) that transmits the document(s), and include this in the project file.*

## **REFERENCES**

*Follow standard format for a bibliography. For any literature cited, and any documents incorporated by reference. For example, if the EA tiers or refers to an analysis from the Draft EIS for the Elko RMP (BLM, 1985), the reference would be:*

BLM. 1985. Draft Elko Resource Area Resource Management Plan and Environmental Impact Statement. DES 85-37. U. S. Department of the Interior, Bureau of Land Management, Elko District. Elko, Nevada.

## **ATTACHMENTS OR APPENDICES**

*Attachments would likely be reproduced with the EA. Appendices may or may not be printed, but must be readily available. Do not both append and tier to, or incorporate by reference, existing documents. The availability of such documents (upon request) should be noted in the text of the EA. Some or all of the following should be inserted directly in the text or attached, as necessary to facilitate understanding of the reader:*

- General vicinity map and Project map
- Engineering drawings, photographs, charts, graphs, figures, tables, etc.

*Technical information may be attached or appended, as indicated in the text of the EA. All non-proprietary information referenced by the EA should be readily available for public (or administrative) review.*

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**FONSI/DR -- EXAMPLE 1**

**United States Department of the Interior  
Bureau of Land Management  
Elko Field Office**

**CALIFORNIA NATIONAL HISTORIC TRAIL INTERPRETATIVE CENTER  
AND I-80 REST STOP WAYSIDES**

**Finding of No Significant Impact and Decision Record  
(File 8361/1792; BLM/EK/PL-2003/028)**

In November 2003, the BLM completed an environmental assessment (EA) for the proposed development and operation of the California National Historic Trail Interpretive Center near Elko, Nevada, and for the installation of interpretive signage at four existing rest stops along Interstate 80 as it crosses northern Nevada. This EA is available upon request to the Elko Field Office, and will be posted on our public webpage at <http://blm.nv.gov/elko.htm>.

**Finding of No Significant Impact**

I have determined that the proposed action, as described in the EA, will not significantly affect the quality of the human environment. Therefore, preparation of an environmental impact statement is not required. Reasons for this finding are based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and intensity of impacts, as discussed in the EA.

Context: The California Trail was used primarily between 1841 and 1869. Development of the Interpretive Center has been a vision of many people in the Elko area for the past decade. Public Law 106-577 was passed by Congress on December 28, 2000, “... *to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States...*” The proposed signage at the four existing rest stops along Interstate 80 are the first of many waysides envisioned to work in concert with the Center to enhance the region-wide interpretive story of the Trail as emigrants crossed northern Nevada. The BLM has completed planning for development of the interpretive facilities in collaboration with many interested agencies, organizations and individuals.

Intensity: As discussed in the EA, there are no impacts associated with development of the four rest stop waysides. The following review of impacts against the CEQ’s ten factors for intensity is associated with development of the interpretive center.

1. Beneficial and adverse impacts are summarized as follows:

- *Air Quality* - Increased traffic due to visitation to the Center and waysides would affect air quality, but levels would still remain within acceptable standards.
- *Noise* -- Noise levels would increase due to increased traffic to the Center, but would not be noticeable given ambient levels from traffic on the interstate.
- *Cultural Resources* -- Benefits are expected to occur as the public becomes educated about the significance of the Trail and need for its protection. However, potential disturbance to Trail reaches may also result due to increased visitation.

## **FONSI/DR -- EXAMPLE 1**

- *Land Use* – The parcel where the Center would be developed was previously owned and used by the Maggie Creek Ranch. Private use of the site would be replaced by public use.
  - *Soils and Water Quality* – Soil and water resources could be affected during and after construction of facilities at the center site. Impacts include increased sediment loading, pumping of ground water, and storm water runoff from impervious areas, including a parking lot and trails. Best management practices would be integrated in the design and construction of the facilities.
  - *Recreation and Interpretation* -- Opportunities to actively draw the public to the region to experience the history of the California Trail would be realized.
  - *Visual Resources* – Although visible from I-80, the Center has been designed to not be an evident visual modification to the existing landscape.
  - *Vegetation and Wildlife* – The construction of facilities at the site would cause the loss of about 25 acres of vegetation, most of which would be restored. The permanent loss is about 6 acres. Restoration of about 28 acres using native plant species is expected to benefit wildlife, including migratory birds.
  - *Noxious Weeds* – There is a potential for noxious weeds to increase during construction at the site, and to be introduced by visitors to the Center. Benefits would occur from BLM's weed control efforts in disturbed and restored areas.
  - *Socioeconomic Conditions* – The local economy is expected to benefit by employment of construction workers and expenditures by visitors to the Center.
2. The proposed action would have no effect on public health or safety.
  3. The analysis considers potential effects to unique characteristics of the geographic area. No pristine historic Trail reaches, unique cultural resources, Native American sacred sites, prime farmlands, wild and scenic rivers, or areas of critical environmental concern are present at the Center site. Small localized fossil finds reported in the upper reaches of the Hunter site are not in areas to be disturbed by construction of the interpretive center facilities, and construction of interpretive trails in this portion of the site would be monitored to avoid impacts to fossils of significant interest. Also, visitor use off of designated trails would be discouraged. Adverse effects to species of special concern or their habitat are not expected.
  4. Effects on the quality of the human environment are not highly controversial.
  5. Possible effects are not highly uncertain and do not involve unique or unknown risks.
  6. The action would not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. Future plans for the interpretive story and additional waysides continue to be coordinated with interested parties.
  7. The action is not related to other actions with individually insignificant but cumulatively significant impacts.
  8. The degree to which the action may adversely properties listed, or eligible for listing, on the National Register of Historic Places is analyzed. No loss or destruction of significant scientific, cultural, or historic resources is anticipated. Increased visitation and potential disturbance to traces of the California National Historic Trail may result from an increased awareness of this historic resource. On the positive side, heightened awareness of the significance of the Trail could lead to a desire to preserve Trail remnants. The Nevada State Historic Preservation Officer and Tribal representatives will continue to participate in development of the interpretive story to be presented at the Center and proposed wayside sites, to assure adverse effects to the Trail and any other significant cultural resources would be minimal.

## **FONSI/DR -- EXAMPLE 1**

9. No impact to any species that is listed, or proposed for listing, as threatened or endangered under the Endangered Species Act is anticipated. No critical habitat for any species has been designated or is proposed in the action area. The action is not expected to contribute to the need for listing of any species of concern.
10. The action does not threaten to violate any Federal, State, local or Tribal law or requirements imposed for the protection of the environment.

### **Decision**

It is my decision to implement the proposed action, as described in the EA for the California National Historic Trail Center and I-80 Rest Stop Waysides (BLM/EK/PL-2003/028).

### **Rationale**

1. Development of the center and waysides will facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the U. S.
2. Establishment of the interpretive center was authorized and directed by Congress with passage of Public Law 106-577, on December 28, 2000. Federal support has included funding measures for initial studies and design of the center. Because of Congressional action, it is not within the authority of the BLM not to develop and operate the center. The No Action alternative was not selected because it would result in the start of a new process to select another site, and prepare and analyze new designs for an interpretive center.
3. A feasibility-level study resulted in identification of two alternative sites for location of the center – the Elko City Park and Hot Hole sites. The City Park site was eliminated from detailed analysis due to public and agency concerns for removal of existing facilities and design constraints. The Hot Hole site, also located in the city of Elko, was eliminated because it would require significant site restoration and concurrent implementation of related projects by others, such as the Humboldt Area River Project, with agreement of a number of agencies with various opinions.
4. The action is consistent with the approved Elko Resource Management Plan and current BLM and Departmental policies and procedures. It has been planned in collaboration with local partners, and is consistent with other Federal, State, local and tribal policies and plans to the maximum extent possible.
5. The project has been designed to incorporate best management practices and environmental design and monitoring features. No undue degradation of the environment is anticipated.

### **Public Involvement**

Five public meetings were held to identify issues and refine concepts for the Center and waysides. Plans for the Center have been developed in partnership with the California Trail Center Advisory Board, and meetings were held with the Nevada Department of Transportation, City of Wells, National Park Service, and various organizations and companies. Funding commitments from the City of Elko, Elko County and the State of Nevada have been granted.

Consultation with the Nevada State Historic Preservation Officer has been conducted, and continues with respect to development of interpretive plans and waysides. Participation by numerous tribes in the area has been invited throughout the process, and discussions for concerns they may have for interpretive stories and exhibits for the Center and waysides continues.

## **FONSI/DR -- EXAMPLE 1**

This document is available upon request to the Elko Field Office, and will be posted with the EA on our public webpage at <http://blm.nv.gov/elko.htm>.

### **Approval**

Development and operation of the California National Historic Trail interpretive facilities is approved. This decision is subject to appeal under regulations found in 43 CFR 4.

EXAMPLE  
Helen M. Hankins  
Field Manager

dd/mm/yyyy  
Date

## **FONSI/DR -- EXAMPLE 2**

United States Department of the Interior  
Bureau of Land Management  
Elko Field Office

### **HOLLISTER DEVELOPMENT BLOCK PROJECT HECLA VENTURES CORPORATION**

#### **FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD**

BLM/EK/PL-2004/002  
3809, N-76802

The Hollister Development Block Project is an underground exploration project that would create 29 acres of surface disturbance on previously disturbed ground within the East Pit of the existing Hollister Mine, and 22 acres of new surface disturbance associated with the construction of the pipeline and rapid infiltration basins. This underground exploration project will not require dewatering; however, water encountered in the decline will be pumped to the surface and utilized in the operation. Excess water that is not utilized in the operation will be piped to the rapid infiltration basins where it will infiltrate back into the hydrologic basin.

#### **Finding of No Significant Impact**

Based on the analysis of potential environmental impacts contained in environmental assessment BLM/EK/PL-2004/002, I have determined that the Proposed Action, as described in the assessment, will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

The reasons for this finding are that the environmental protection measures proposed in the plan of operations and the mitigation developed through the environmental assessment for the protection of the resources will reduce or eliminate the impacts created by the proposed action. Potential impacts to cultural resources will be minimized through avoidance and implementation of these measures. Potential impact to groundwater resulting from acid rock drainage will be minimized by the design, construction and reclamation of the waste rock disposal facility.

#### **Decision**

It is my decision to authorize the Hollister Development Block Project as described in the proposed action of environmental assessment BLM/EK/PL-2004/002. This Finding of No Significant Impact and decision is contingent on meeting the monitoring requirements and stipulations listed below:

##### **Stipulations**

As a result of the construction of the water pipeline and reconstruction of the Little Antelope Creek access road through the BLM enclosure on Little Antelope Creek, 0.025 acres of identified potential wetlands will be temporarily impacted. During reclamation

## **FONSI/DR -- EXAMPLE 2**

of this section of the Little Antelope Creek road following completion of the project, the 0.025 acres of wetlands will be restored. Reclamation of this area will include regrading or reshaping the access road to make it impassable for vehicular travel and seeding and/or planting vegetation such as willows.

When active migratory bird nests are located, a protective buffer around the nest will be delineated. Buffer distance will be decided as appropriate for a specific species by a qualified biologist in consultation with and approved by the BLM.

If buried artifacts of any kind or buried features are discovered, work will cease at and within a 10-meter buffer zone surrounding the location of the discovery. Hecla will immediately notify the Authorized Officer (BLM Elko Field Office Manager). Work will not commence until the discovery has been inspected by a BLM archaeologist and the BLM has determined in consultation with the State Historic Preservation Officer (SHPO), whether mitigation measures are required before installation of the pipeline.

The BLM will reestablish the boundaries, if necessary, of eligible cultural sites that could be impacted by the proposed action and flag off the avoidance and buffer zones.

Prior to the implementation of the Proposed Action, Hecla Ventures Corporation (Hecla) will ensure avoidance of the eligible cultural sites by:

- 1) placing exclusion barriers a minimum of 30 meters (100 feet) from the perimeter of known cultural sites. The exclusion barrier perimeter will be marked with steel t-posts and/or concrete barriers to ensure that a visible barrier is present between the cultural sites and the surrounding operations area in order to protect the cultural sites from damage;
- 2) restricting maintenance and off-road travel to the existing roadbed when using roads that are located within or adjacent to a cultural site. Neither road widening nor construction of wing ditches will be authorized. A t-post barrier line shall be established on the outside edges of the berms of primary access routes through eligible cultural sites;
- 3) directing its personnel and the personnel of its contractors to avoid all staked areas under penalty of Archaeological Resources Protection Act of 1979 (16 U.S.C. 470).

### **Monitoring**

A BLM representative will conduct regular field inspections throughout construction, operation, and reclamation activities associated with the Proposed Action. Field compliance inspections will be documented in the project file at the BLM Elko Field Office.

## **FONSI/DR -- EXAMPLE 2**

Periodic monitoring and documentation of erosion and sediment control structures throughout construction, operation, and reclamation will occur. Surface erosion relative to individual activities will be evaluated. If erosion, sedimentation, or other surface water and groundwater quality impacts occur, the situation will be evaluated for the potential source(s) and the problem will be corrected. Corrective action measures will be performed in consultation with and approval by the BLM and Nevada Division of Environmental Protection (NDEP).

Hecla must submit, on a quarterly basis, waste rock material characterization reports to the BLM. Hecla will submit, to the BLM, a copy of the Water Pollution Control Monitoring Reports and closure plan required by NDEP as a condition of the Water Pollution Control Permit. These monitoring reports include characterization of water quality, de-silting basin sediment, mine materials, mine materials discharge, and spill reports.

Hecla will submit to the BLM, a copy of the Wildlife Mortality Reports required by Nevada Division of Wildlife as a condition of the Industrial Artificial Pond Permit.

The Water Pollution Control Permit issued by NDEP allows for continued monitoring of the project as determined by NDEP up to 30 years. Monitoring as determined by the BLM under 43 CFR 3809 Regulations is discretionary. The monitoring period will be reviewed periodically by the agencies to determine if modifications are warranted and whether long-term bonding will be necessary.

### **Rationale**

As a result of the analysis in the Hollister Development Block Project Environmental Assessment, BLM/EK/PL-2004/002, it was determined that the proposed action will not result in unnecessary or undue degradation to the public lands. The proposed action is in conformance with the Elko Resource Management Plan, Issue-Minerals, Management Prescription 1.

The implementation of the proposed action will allow Hecla to conduct underground exploration. The 43 CFR 3809 Regulations require the claimant and/or operator to file a plan of operations when the proposed surface disturbance will be more than five acres. The Hollister Development Block Project is located in a sensitive area for cultural resources. The mitigation proposed in the plan of operations and the monitoring and mitigation developed through the environmental analysis for this project provide the BLM with a means of greater protection and management of the project and affected resources.

The No Action Alternative was not selected because it would not allow Hecla to conduct the proposed underground exploration activities. The project as described in the plan of operations and the mitigation developed as a result of the environmental analysis would eliminate undue or unnecessary degradation and provide the BLM with measures to manage and protect the

## **FONSI/DR -- EXAMPLE 2**

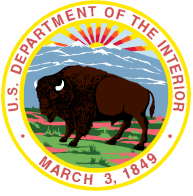
resources. The General Mining Law of 1872 gives the claimant the right to explore, discover, and diligently develop the mineral deposit(s) on their claims in a prudent manner. The Bureau of Land Management's responsibility is to determine and assure that unnecessary or undue degradation does not occur to the public lands during the exploration for and/or development of locatable mineral deposit(s).

### **Approval**

The Hollister Development Block Project is approved for implementation. This decision is subject to appeal pursuant to 43 CFR 3809.4. A party that is adversely affected may file such an appeal in accordance with the procedures in 43 CFR, Part 4. An appeal shall be filed no later than 30 days after the date this decision is received.

EXAMPLE  
\_\_\_\_\_  
Helen Hankins  
Elko Field Manager

dd/mm/yyyy  
\_\_\_\_\_  
Date



**U.S. Department of the Interior  
Bureau of Land Management**



Elko Field Office  
3900 E. Idaho Street  
Elko, NV 89801  
<http://www.nv.blm.gov/elko>

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**Month Year (if Preliminary, indicate “as of” mm/dd/yy)**

**Environmental Assessment**

(BLM/EK/PL-yyyy/###)

**Title**

Prepared in cooperation with:

**(Name(s) of cooperating agencies, if any)**

**File: {Subject Code-Case File #}**

## **EA Title Cover Page -- SAMPLE**

### **MISSION STATEMENT**

The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based upon the principles of multiple use and sustained yield of our nations resources within the framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wildlife, wilderness, air and scenic, scientific and cultural values.

## **NEPA REFERENCES**

To provide the most recent information, the BLM Nevada periodically updates a “Planning and NEPA Guidance Summary.” The file is an excel spreadsheet that provides website links so you can read the guidance. It may be available for use by Elko Field Office employees from our local network (s:\public\nepa\), and/or from the BLM internal website at <http://blm.gov/nepa/>. Guidance listed includes:

- Instruction Memorandum and Information Bulletins issued by BLM’s Washington Office and Nevada State Office.
- Executive Orders relevant to addressing issues for critical elements of the environment.
- BLM Manual and Handbook guidance.

The following listing of principle legislation, executive orders, agency guidance, or regulations and critical elements is not intended to be comprehensive and may not be subject to updates. Following website links that are cited may lead to other useful information to those who are interested.

### **A. NEPA and Federal Land Policy and Management Act**

National Environmental Policy Act of 1969, as amended (PL 91-90, 42 U.S.C. 4321 et seq.).

Federal Land Policy and Management Act of 1976, as amended (PL 94-579, 43 U.S.C. 1701 et seq.)

Code of Federal Regulations. Subpart 1601- Planning (43 CFR 1601).

Code of Federal Regulations. Part 4- Department Hearings and Appeals Procedures (43 CFR 4).

Council on Environmental Quality, Executive Office of the President. 1978. Regulations For Implementing the Procedural Provisions of the National Environmental Protection Act, as Amended (40 CFR Parts 1500-1508).

[http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm)

Council on Environmental Quality, Executive Office of the President. 1997. The National Policy Act, A Study of Its Effectiveness After Twenty-five Years. 49 pp.

### **B. Department of the Interior and BLM Policy and Guidance**

U.S. Department of the Interior. Departmental Manual Series: Environmental Quality, Part 516: National Environmental Policy Act of 1969 (516 DM).

Note: This manual was recently revised and published in the Federal Register on March 8, 2004. It will be published on the Electronic Library of Interior Policies (ELIPS) at:

<http://elips.doi.gov/>.

U. S. Department of the Interior, Office of Environmental Policy and Compliance (OEPC), Environmental Statement Memorandum (ESM) Series.

<http://www.doi.gov/oepec/ememorandum.html>

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## **NEPA REFERENCES**

BLM Manual Section 1790, National Environmental Policy Act of 1969 (MS 1790).

BLM. National Environmental Policy Act Handbook (H-1790-1).

BLM. April 1994. Guidelines For Assessing and Documenting Cumulative Impacts. 69 pp.

BLM Manual Section 1600, Land Use Planning (MS 1601).

BLM Land Use Planning Handbook (H-1601-1).

BLM, National Training Center. 1997. Overview of BLM's NEPA Process, Course #1620-02.

Note: This guide was originally published in 1994 as the Arizona BLM Desktop Reference. It is available from:

<http://azweb.azso.az.blm.gov/nepa/index.htm>

BLM, National Training Center. 1998. Environmental Assessment Level Analysis, Course #1620-03.

BLM, Washington Office. IM No. 99-178, Interim Guidance -- Changes to the List of Critical Elements of the Human Environment in BLM's National Environmental Policy Act (NEPA) Handbook.

BLM, Washington Office. IM No. 2001-062, Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy.

### **C. Other Website References**

CEQ Web Site and NEPANet: Includes laws, regulations, legal requirements, interpretations, NEPA, the CEQ Regulations, CEQ guidance documents, case law summaries, U.S. EPA Review Criteria, Law Library, etc.

<http://www.whitehouse.gov/ceq/>

Arizona BLM's Planning and NEPA Database: In addition to NEPA and the CEQ Regulations, also has one of the more comprehensive BLM guidance document selections including the NEPA Handbook, BLM Planning Regulations, the BLM Desktop Reference, and other National-level BLM NEPA documents.

<http://azweb.azso.az.blm.gov/nepa/index.htm>

BLM National Training Center (NTC): NEPA Screening Process Course 1620-11.

<http://www.ntc.blm.gov/courses/1620-11.html>

### **D. References for Critical Elements of the Human Environment**

#### **Air Quality**

The Air Pollution Control Act of 1955, P.L. 84-159

Clean Air Act of 1963, P.L. 88-206

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## NEPA REFERENCES

Air Quality Act of 1967, 42 USC 7401  
Clean Air Act of 1970, P.L. 91-604  
Clean Air Act of 1990, 42 USC 7401-7671q, P.L. 101-549, 104 Stat. 2399  
40 CFR 50-99

<http://www.legal.gsa.gov/legal14air.htm>  
[http://www.ecas.ws/ecas\\_site/l3\\_fed\\_regs/L4\\_laws/l4\\_caa.htm](http://www.ecas.ws/ecas_site/l3_fed_regs/L4_laws/l4_caa.htm)  
<http://www.colby.edu/sci.tech/cleanair/cleanairlegisl.htm>

### Areas of Critical Environmental Concern

The Federal Land Policy and Management Act of 1976, as Amended (P.L. 94-579)  
BLM Manual Section 1613  
43 CFR 1610

### Cultural Resources (Also see references under Native American Religious Concerns)

Antiquities Act of 1906, P.L. 59-209, 16 USC 431-433  
National Historic Preservation Act of 1966, P.L. 102-575  
Archaeological Resources Protection Act of 1979, as amended, P.L. 96-95; 16 USC  
470aa-470ll; 93 Stat. 721) (ARPA)  
<http://www.usbr.gov/laws/antique.html>  
<http://www2.cr.nps.gov/laws/NHPA1966.htm>  
<http://www.achp.gov/relationship.html>

### Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority  
Populations and Low-income Populations, February 16, 1994  
Council on Environmental Quality, 1997. Environmental Justice, Guidance Under the  
National Environmental Policy Act.  
<http://www.fs.fed.us/land/envjust.html>  
<http://es.epa.gov/oeca/main/ej/otherfa.html>  
<http://www.epa.gov/swerosps/ej/index.html>

### Farmlands, Prime or Unique

Surface Mining Control and Reclamation Act of 1977 (PL 95-87)  
Farmland Protection Policy Act (PL 97-98; 7 U.S.C. 4201 et seq.)  
516 DM 2 Appendix 2 (2.2) Department of the Interior  
7 CFR 657  
Environmental Statement Memorandum No. ESM 94-7- Prime and Unique Agricultural  
Lands, Department of Interior  
[http://water.usgs.gov/eap/env\\_guide/farmland.html](http://water.usgs.gov/eap/env_guide/farmland.html)

### Floodplains

Executive Order 11988, Floodplain Management, May 24, 1977  
<http://gsa.gov/pbs/pt/call-in/eo11988.htm>  
[http://www.fema.gov/reg-vi/env/law\\_0102.htm](http://www.fema.gov/reg-vi/env/law_0102.htm)

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## **NEPA REFERENCES**

### **Invasive, Non-native Species**

Executive Order 13112, Invasive Species, February 3, 1999

<http://ceq.eh.doe.gov/nepa/regs/eos/eo13112.html>  
<http://www.invasivespecies.gov/council/appendices.shtml>

### **Native American Religious Concerns** (Also see references under Cultural Resources)

American Indian Religious Freedom Act of 1978, P.L. 95-341, 42 USC 1996

Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq., Nov. 16, 1990 (NAGPRA)

Archaeological Resources Protection Act of 1979, As Amended, P.L. 96-95; 16 USC 470aa-470ll; 93 Stat. 721 (ARPA)

Executive Order 13007, Indian Sacred Sites, May 24, 1996

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000 (repealed EO 13084)

Secretarial Order 3175, Indian Trust Resources

Secretarial Order 3206, American Indian Tribal Rights, Federal Tribal Trust Responsibilities, and the Endangered Species Act

Departmental Manual, 512 DM 2

<http://www2.cr.nps.gov/laws/religious.htm>  
<http://www.cr.nps.gov/local-law/eo13007.htm>  
<http://www.doi.gov/bia/cla/execproc.html>  
<http://www.cast.uark.edu/products/NAGPRA/nagpra.html>

### **Threatened or Endangered Species**

Endangered Species Act of 1973, As Amended, 16 U.S.C. 1531 et seq.  
50 CFR 402-453

<http://endangered.fws.gov/esasum.html>

BLM Manual Section 6840, Special Status Species

### **Migratory Birds**

Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, January 11, 2001

Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) As Amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 and P.L. 105-312; October 30, 1998; 112 Stat. 2956

<http://www.nara.gov/fedreg/eo2001c.html>

### **Wastes, Hazardous/Solid:**

Resource Conservation and Recovery Act of 1976, As Amended, (RCRA; 42 U.S.C. s/s 6901 et seq., P.L. 94-580)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA; 42 U.S.C. 9615 et seq.; P.L. 96-510)

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## NEPA REFERENCES

Superfund Amendments and Reauthorization Act of 1986 (SARA; 42 U.S.C.9601 et seq.; P.L. 99-499)

Executive Order 12580, Superfund Implementation, Jan. 23, 1987

Executive Order 13016, Amendment to Executive Order 12580, August 28, 1996

BLM Manual Section 1703

40 CFR 300

<http://www.epa.gov/superfund/action/law/cercla.htm>

### Water Quality, Surface/Ground

Federal Water Pollution Control Act of 1948 (33 USC 1251-1376; Chapter 758; P.L. 845; 62 Stat. 1155)

Federal Water Pollution Control Act of 1972 (P.L. 92-500, commonly known as the Clean Water Act, as amended by P.L. 95-217 in 1977, P.L. 97-117 in 1981, and P.L. 100-4 in 1987)

Safe Drinking Water Act of 1974 (42 U.S.C. s/s 300f et seq.)

<http://www.cnie.org/nle/h2o-21.html>

<http://www.epa.gov/history/topics/cwa/index.htm>

### Wetlands/Riparian Zones

Rivers and Harbors Appropriation Act of 1899, 33 U.S.C. 403, Sections 401 and 403

40 CFR 230 - Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material

Executive Order 11990, Protection of Wetlands, May 24, 1977

<http://www.wetlands.com/>

<http://www.usace.army.mil/>

### Wild and Scenic Rivers

Wild and Scenic Rivers Act of 1968 (P.L. 90-542, As Amended, 16 U.S.C. 1271-1287)

BLM Manual Section 8351

<http://www.nps.gov/rivers/>

<http://www.cnie.org/nle/pub-16.html>

### Wilderness

Wilderness Act of 1964 Act of 1964, P.L 88-577, 16 U.S.C. 1121 (note), 1131-1136)

BLM Handbook H-8550-1 Interim Management Policy and Guidelines For Lands Under

Wilderness Review, 1995

[http://www.wilderness.net/nwps/legis/nwps\\_act.cfm](http://www.wilderness.net/nwps/legis/nwps_act.cfm)

<http://www.fs.fed.us/outernet/htnf/wildact.htm>

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